

Chapter I

Acts and Omissions

What do we live for, if it is not to make life less difficult to each other?
—George Eliot, *Middlemarch*

Kindness and the Body: The Epoché

All of us have a “perceptual faith” in the world as we perceive it, and our beliefs about this world “rest on a fundamental basis of mute ‘opinions’ implied in our life” (Merleau-Ponty 1968, 3). In a similar fashion, we assume kindness as a given in our cultural world. We believe that it exists, at least sometimes, and we also hold “mute” as well as, very occasionally, explicitly formulated opinions about it. Given the exclusive function of the epoché, none of these beliefs will be appealed to here. For the reasons given in the Introduction, we will begin with as few presuppositions as possible in describing the manifold ways in which kindness appears to us—its unique manner of existing—through bodily actions and omissions to act.

Kindness emerges in our relationships with others and their reciprocal relationships with us. Kindness is, therefore, one modality of our primordial situation, I-in-the-world-with-others. Just as Sartre demonstrated that no one can be obscene or ashamed all by herself, so also no one can be kind by herself, though she could be kind to herself. Moreover, this “I” is no Husserlian (or Kantian) transcendental ego—and still less a Cartesian *cogito*—any more than it is the other in whose existence I am enmeshed. Rather, it is what Merleau-Ponty described as the “lived-body” (*le corps propre*), “existence, that is to say, being in the world through a body” (1962, 309). (It is also true, though, let us remark in passing, that Merleau-Ponty’s notion of the lived-body is greatly indebted to Husserl’s distinction in the *Cartesian Meditations* and other texts between *Leib*—“flesh,” “my body”—and *Körper*, the body as object.)

I am in the world through a body by existing in a perceptual circuit with things and other people. It is a Hegelian concrete universal, a “thought-in-act,”

because it is a system of motor powers for exploring and making sense of the world as it presents itself to us. The lived-body is thus an “I can” as well as an “I think.” The mobile body and consciousness are like two sides of the same sheet of paper: they are mutually implicatory, because they comprise “two abstract aspects of one existence” (Merleau-Ponty 1970, 8).

Accordingly, it is within this field of corporeal motility that we find our most evident, directly presented instances of kindness and unkindness, namely, actions and omissions to act. Of course, actions and omissions to act occur between persons in the context of social atmospheres and institutions, and these phenomena, distinguished here only for the sake of analysis, are the subjects of the following chapters. But the fact that actions and omissions are primordial presentations of kindness is why the epoché of the sick and injured body can have such revelatory power. When awareness and motility are disrupted, our relationships with others and the world around us change profoundly. We become more sharply conscious of power relations, dependencies, the reliance of our wills on all of the involuntary aspects of nature and culture that simultaneously support and threaten us, and finally of the capacity of others to help and harm us. The “gift of sorrow,” as George Eliot once said, is the “susceptibility to the bare offices of humanity that raises them into a bond of loving friendship” (1985, 269). Even when the consequences do not extend as far as Eliot conceives them, it is still true that, in suffering, there is the danger of self-centeredness and despair that can be conquered only by being liberated from myself. That freedom in turn requires “attachment to the other” (Marcel 1984, 201).

Certainly not all acts of kindness involve sick or injured bodies, but those that do make us more keenly aware of how such acts occur. Hence, sickness and injury can function as an epoché. Throughout our normal perceptual and behavioral life, as phenomenologists such as Merleau-Ponty have shown, the rays of a motor-intentional consciousness stream out pre-reflectively to embrace objects and other people. The body disappears in these projects because, rather than being the focus of a thematic concern, it forms only the anonymous, pre-personal background of all of our acts. There is also a “depth” disappearance in that the inner, or visceral, life of the body likewise remains hidden. Thus it is “*the body’s own tendency to self-effacement* that allows for the possibility of its neglect or deprecation” at the hands of philosophers such as Descartes (Leder 1990, 69, emphasis in original).

The body does not come to mind, literally and figuratively, until something happens to make it the explicit object of thematic attention. This is what happens in the pain of injury and sickness, and then the body appears as fallible and untrustworthy. In these cases, the body “dys-appears,” that is, in the Greek sense of *dys*, meaning “bad,’ ‘hard,’ or ‘ill,’ and [which] is found in English words such as ‘dysfunctional’” (Leder 1990, 84). “Dys-appearance” is not, however, identical to “dys-function.” Rather, the latter is only one possible case of the former, because

the body can become an object of thematic concern outside of the contexts of injury and illness—as, say, the object of reflections on the normal process of aging.

How do these dys-appearances come about? Let us consider pain first and then illness. Not all pains create dys-appearances. Some experiences of pain are congruent with our projects, as Nietzsche pointed out with reference to the sufferings of the artist, but it is also true of athletes, students, writers, and masochists (these classes are non-disjunctive). However, other pains do lead to dys-appearances, because they are involuntary, invasive, and destructive. At a sensory level, these types of pains fix attention on the body in three ways. They create a “sensory intensification,” they possess an “episodic structure,” because they disrupt the normal “amorphous” state of well-being with novel sensations, and, finally, they compel us to attend to them (Leder 1990, 71, 72, 73).

When pain becomes severe enough, it disrupts our intentional relationships with other people, it constricts our lives spatially and temporally, and it draws our attention unwillingly to the body as an alien and a passive “other.” The first of these effects comes about because pain strikes at us individually and isolates us from others among whom we live and with whom we work and play. The tennis player overcome by angina pains announcing an imminent heart attack becomes acutely aware of the way in which pain singles out and isolates its victim from other players on the court. The victim alone can feel the spreading fire of internal toxicity and the crushing weight in the chest, and even the clamminess of skin is experienced as something that would not feel the same to others. The sufferer alone feels it and feels quite alone in the consciousness of being the only one who feels it. The tense, worrying faces of the other players crowding around can only reinforce this aloneness, since they but create a consciousness of being the intentional object at the intersection of anxious gazes. Uncomfortable men tend to talk loudly—with a loudness that, like whistling in the dark, betrays a certain self-conscious futility and awareness of their own vulnerability visible in the victim. Or, as John Updike has expressed it so poignantly, they “challenge silence with laughter,” while women, smiling, bestow the kindness of their “eyes of famous mercy.”¹ Such kind gestures strike the sufferer isolated by and in pain as well-intentioned superfluities.

This same effect is present in other phenomena that result at least partly from pain—for example, the weakened and atrophied body. On crutches, the previously gentle slope of the sidewalk becomes the coefficient of an arduous task. Things and other people take on a new appearance that reflects diminished capacities to sustain one’s usual motor-projects. Entering a restaurant door, for example, means discovering that the door is no longer a tool employed unthinkingly but an impediment compounded by other users. In a crowded room, bodies no longer slide by each other with pre-reflective grace and fluidity but rather collide in awkward bunches around the crutches. (One incredulous individual resolved her uncertainty by trying to go *through* them.)

In the second effect of pain, the spatio-temporal narrowing of my world, that world does not totally collapse, but through motor and perceptual constriction, I tend to reflect more on myself and on my isolation. Pain tears through the normal ec-static structures of consciousness by which I project myself in the world; it tends to fix me in place. Pain also constricts me temporally by pinning me down to the present. It has a “phenomenologically ‘centripetal’ force, gathering space and time inward to the center” (Leder 1990, 76). Often, too, this centripetal force is balanced by one that is centrifugal, by which we try to escape pain in the present through imagination and fantasy and through memories of a painless past. This desire to escape is a response to the fact that suffering—a phenomenon wider than, but inclusive of, pain—strikes at our sense of self-esteem by decreasing our power of acting—the “I am able to”—of the lived-body (Ricoeur 1992, 320).

Chronic pain presents a special case of these centripetal and centrifugal forces at work in our self-consciousness, because there is much more of the centripetal and much less of the centrifugal. To the degree that those who suffer are no longer able to remember a past without pain, they lose a refuge in memory and a concomitant ability to construct a better future in fantasy. The world eventually runs out of opportunities. In the experience of unwanted pain generally, a fault line opens up between the body and the self, and the body disharmoniously appears as alien. This third effect of pain is exacerbated in chronic sufferers, so that they eventually lose sight of what the wholeness of self-integrity was like. Alienation from the body achieves permanency. In non-chronic pain, in contrast, a future-looking demand opens up in us for both a hermeneutic interpretation of the pain and then for action to reachieve a painless existence. The chronic sufferer eventually tends to lose this hope.²

Illness, or “dis-ease,” sets in motion many of the same experiential kinds of changes as does pain. Sick people also lose motor possibilities and recognize that the lived-body is temporarily or permanently no longer an “I can.” They also experience a rupture of intersubjective relationships as they turn inward in self-absorption with illness. There is likewise a spatio-temporal compression of existence and the sense of the body as an alien presence. Finally, when disability is recognized as permanent, a corresponding lack of hope and self-esteem becomes more likely.³

Our bodies, whether or not alienated from our selves, are, as Merleau-Ponty pointed out, always with us, our point of view on the world from which we perceive objects and have something to do. Our bodies are not distinguishable from us, as are tools, coffee cups, or glasses, which we can misplace or lose. It follows, therefore, that our perceptions of our bodies as an “alien presence” in pain and sickness always come into existence within the perspective of the lived-body. However much victims of injury and illness may wish, and however much of a wedge that pain and sickness drive be-

tween the body and the self, there is no final cleavage between the two. Thus the patient in the coronary care unit who sees all vital signs recorded and sounded on multiple pieces of monitoring equipment knows that there is some deep connection after all between the self and the mysterious alien presence that the inner body has become.

It is in this field of corporeality—mine and that of others—whether well or sick, fully able or injured, fully capacitated or pained, that acts of kindness and kind omissions to act appear to us. Some of these acts and omissions strike us immediately as kind, and we shall study them next. Other acts and omissions are only recognized as such through the mediation of reflective, conscious acts across temporal intervals of varying duration, and we shall consider these later in this chapter.

Immediately Presented Acts and Omissions

Immediate presentations of kindness strike us spontaneously as kind. No inferences or other reflective, positing acts of consciousness are necessary (or sufficient) to bring about such experiences. We may later change our minds about their meanings, for one reason or another, but our first impression is that someone is doing us a kindness.

Various examples exist of such experiences that are more or less familiar to us all. Strangers who have no special duties of care to victims of tragedies sometimes flood them with monetary and other types of gifts. Someone may call my attention to a letter I have dropped while on the way to the post office. A stranger might put money in my parking meter to prevent me from getting a ticket—in Cincinnati, even at the cost of legal prosecution—or merely listen to me when no one else will. A stranger in a foreign city may alert me that I have to validate my subway ticket in the platform machine. Less familiar, however, are experiences such as those of patients in a coronary care unit. They have lost all sense of the taken-for-granted character of the world of the natural attitude and therefore appreciate the overpowering weight of a compassionate word or gesture, the sheer astonishment that caring others are there to begin with and, correlatively, the sense of not being forgotten.⁴ Conversely, we take it as evidence of unkindness, though not always definitively, when people are able but unwilling to help us in these various ways—when they “turn their backs on us”—through either indifference or refusal.

There are likewise diverse examples of kind omissions to act. Past acquaintances may have the power to embarrass us by revealing facts that we would like to keep hidden, and yet refrain from doing so. Friends do not utilize a public forum to refute certain claims that we have made, either out of consideration for our feelings or to not jeopardize our chances of attaining whatever might be

the goals of our present projects. Conversely, we would be inclined to view contrary acts as unkind when omitting to act was equally possible.

In general, these are familiar and unremarkable instances of kind acts and omissions. Now let us consider certain cases of each more closely. Suppose that someone opens my office door for me while I am struggling with my briefcase and keys and balancing clumsily on my crutches. My most immediate awareness here is of another person intervening in my (so far unsuccessful) motor-projects because of my body image as an awkward powerlessness. I am simultaneously aware of the other doing for me what I cannot do for myself, and of my own handicap.⁵

How someone performs an act of kindness is equally, if not more, important than *what* has been done. To begin with, the act must have at least two interrelated qualities common to all acts in order to be one of kindness. The action must be intentional, in the sense of being purposeful. Someone who trips, falls against the door, and causes it to open just when I want to enter, would not have acted. The agent must be aware of what is being done and must mean to do it. The action must also be voluntary in some significant sense. It is part of this necessary voluntariness that actions not be performed because of direct physical or psychological compulsion. Nor can they result from indirect compulsion produced by coercion applied to someone else, or by “causes internal to the person, such as reflexes, ignorance, or disease, that decisively contribute, in ways beyond his control, to the occurrence of the behavior” (Gewirth 1978, 31). More positively, an individual’s choice is voluntary when under her own control, when “unforced and informed choice is the necessary and sufficient condition of the behavior” (*ibid.*). Thus someone opening the door for me at gunpoint, under hypnotic or post-hypnotic suggestion, or (even more bizarrely) while sleepwalking, again would not have acted. In the absence of any effective will and self-control, the external motions at best would have imitated a voluntary and an intentional act.⁶

To say that all actions, and therefore those of kindness, are purposeful and voluntary means that they evidence what Merleau-Ponty, Ricoeur, and Alfred Schutz have variously described as a motivated freedom.⁷ Inscribed in this freedom is a third quality of kind acts, namely, that they possess a particular type of vector quality: the actions are done *for* a certain person (s), and not simply aimed *at*, or done *to*, them. If the agent meant to do something else instead—say, opening my office door to retrieve some files, paying me no heed on the way in—then the experiential identity of the action would be changed irrevocably. My presence would be acknowledged only as an impediment to entry—not minded as long as it did not interfere with the completion of the project.

The content of this interested vector quality in acts of kindness, which is part of their underlying motivated freedom, is that it embodies a sensitivity to the need of the other and a resolve to attempt to remedy the need. In less tran-

sitory relationships, acts of kindness can also transcend the minimal level of remedying needs and, as we shall see in the following chapter, actively seek the other's spiritual flourishing. But at whatever level of commitment, the other takes a more or less momentary and momentous interest in my welfare, and this is why I respond to the action differently than in the case of many others that I witness day in and day out. I am aware that my needs have registered in the eyes of the other, and I resonate the offered help with thanks for her solicitude. Equally importantly, if not more so, I am cognizant of the fact that the interest that the other takes in my welfare is for my sake, and not hers. Neurotic do-gooders, for example, take an active interest in our welfare—early and often—and yet their actions do not manifest kindness. Their interest rides along on, so to speak, and testifies to, their interest in us for their own sakes.

When I register in the eyes of the other to solicit acts of kindness, I cannot determine the gravity of my claim on the other's freedom. I may end up counting with more or less importance. As a result, acts of kindness may be located anywhere along an extensive scale of seriousness—from normally fairly trivial actions, such as opening doors, to, say, important life-saving actions, such as warning someone of her intended sexual partner's exposure to the AIDS virus. There is also a special class of actions located at the high end of the scale that Claude Lanzmann's epic Holocaust documentary, *Shoah*, illustrates poignantly. At a certain point in the Warsaw ghetto uprising, a man was killed and given only a hasty burial (under fire). Later, a woman, at considerable personal risk, disinterred the body and gave it a proper Jewish burial. As Judith Jarvis Thomson has noted, there are several types of Samaritans: those who are (only) minimally decent, those who are good, those who are very good, and those who are splendid (1971, 62-64). The woman in the Warsaw ghetto was splendid, just as were the actions of Magda Trocmé who, along with her pastor husband, André, organized the handful of hungry, straitened villagers of Le Chambon-sur-Lignon to shelter and rescue thousands of Jews during World War II.⁸ Such actions teach us that there are not only corresponding degrees of sensitivity to our welfare but also of the resolve to act on those sensitivities. Effectively the Chambonnais used the same weapons as did Gandhi, "*ahimsa* ('non-violence, the refusal to hurt any living thing'), truthfulness, courtesy, and love" (Zaehner 1962, 228).

We can increase our understanding of this sensitivity by examining instances of unkindness in which our need for help goes unheeded. In these cases, we are struck first by the absence of response, a lack that is not nothing. On the contrary, it is pregnant with meaningfulness, because it consists of a failure to respond to an appeal, whether explicit or implicit. I am left without a justification, but one that I consider is owed me. Hence, the lack of response endows the behavior of the other with a normative dimension best described as a deficiency or shortcoming, but one that is expressed by a very different sense of "ought" than that captured by the usual language of rights and duties. In

that interpretive framework, unless the other has a special duty of care toward me, I have no right to aid. Nonetheless, in cases of ordinary, rather than heroic, or “splendid” Samaritanism, other things being equal, when the other can heed my appeal and does not, the lack of response carries along with it the sense of having to be justified. Blame attaches to heedlessness, just as it does in the parable of the Good Samaritan to the priest and the Levite, who likewise had no special duty of care to the injured and pained victim, nor he a correlative right to their assistance.

When I try to grasp the reasons behind unkind acts, I tend to construe the lack of response as an expression of either insensitivity and/or awareness. These two factors are non-disjunctive, for either may reinforce and perpetuate the other. Insensitivity takes many forms and can characterize an agent’s actions in which there is no lack of purpose and no voluntariness of conduct, and in which there is often full awareness of what is being done and to whom. When acts of unkindness are motivated chiefly by insensitivity, the object of those actions becomes aware of simply not counting, or not counting enough, in the agent’s eyes to solicit the response needed. This is a double revelation: that one has been judged and in the judgment has been not only left in need but also found unworthy of being helped.

It was this insensitivity that Moritz Schlick had in mind when he argued that the “peculiar characteristic” of egoism is “inconsiderateness.” By this he meant that the egoist is “quite untroubled by the desires and needs of others. When he pursues his ends with such inconsiderateness that he coldly ignores the joys and sorrows of his neighbors. . . . he remains deaf and blind and cold to the happiness and misfortune of his neighbor” (1939, 75–76). Schlick does not point out, but there is no reason to think that he would dispute it either, that there are many degrees of such deafness, blindness, and coldness.

Some are appallingly grotesque, as, for example, the Austrians who for six years lived in full view of the stone quarries in the Mauthausen concentration camp and “saw nothing” of the tortures and killings of Jewish prisoners. Such cases can easily make us believe that the depths of human callousness have no limit. At the other extreme are all of the little unkindnesses that make up daily life, such as rude and dangerous drivers who are not even conscious of the endangered motorists that they leave in their wake, or noise polluters who never give a thought to the possibility that they are disturbing someone else’s peace.

Coldly ignoring the welfare and “illfare” of one’s neighbors is an important part of inconsiderateness, albeit, as we shall see shortly, not the whole of it. Such insensitivity clearly evidences appraisals of others that find them wanting—as, for example, when one of my students, who is paralyzed from the waist down, once tried to park his specially outfitted van in the only available parking place for the disabled in a certain shopping center. (It was also the only available parking place in the entire lot.) A departing shopper foiled the attempt when, despite

her clear recognition of his handicapped license plate, she rolled her empty cart in his way. (He had to return home.)

Coldly disregarding the welfare or “illfare” of the other is also responsible for certain examples of unkindness in cases of what Drew Leder calls the “social dys-appearance” of the body and attendant unkindnesses. In this type of dys-appearance, for a variety of reasons, a split opens up between self and body as a result of the other’s gaze that is “highly distanced, antagonistic, or objectifying”; thus the social dys-appearance of the body amounts to “disrupted co-subjectivity” (1990, 96, 97). When, for example, a woman attempts to internalize the way she is a sex object for others, or the ways that her body fails to please, a split opens up between herself and her body, so that she cannot appear to others, or herself, as herself.⁹ Likewise, the same mechanism of unkind alienation is inscribed in the ways that our culture socializes women to believe that social acceptability is predicated on physical appearance.¹⁰

Specifically thematizing the body is often conjugated with imbalances in power relationships. In inferior-superior relationships—for example, women to men, students to instructors, patients to doctors, or prisoners to jailers—the less powerful often tend to an enhanced self-awareness. The difference in power makes co-subjectivity difficult and impossible when the superior replaces, rather than supplements, the experience of the inferior. Thus the body is, as Foucault showed in *Discipline and Punish* and elsewhere, vulnerable to sociopolitical as well as biological forces.

Coldly ignoring the welfare or “illfare” of the other is not the whole of our inconsiderateness, because a particular type of unawareness can also be a sufficient condition of such attitudes. That is, ignoring something or someone requires reflective, positing acts of consciousness to avoid (re) cognition and to put them out of mind. But there are other forms of inconsiderateness that presuppose no such conscious acts or judgments. Instead, they rest on a lack of awareness that takes the form of thoughtless indifference. Unkind acts that are the products of such a lack of awareness are not acts of ignoring but rather consist of a peculiar failure to register, as in cases such as our scanning the morning paper’s stories of the latest atrocities abroad and of crime victims in our own communities. Reading the papers is a comfortable because insulated way of learning about the latest disasters and misfortunes. As such, “the practice always verges on seeming frivolous and in bad faith” (Descombes 1993, 5). It is also a convenient way of not recognizing how few are the times when we really are ready to aid other people. As Hallie notes, our usual response to “the sufferings and deaths of strangers” is one of boredom (1997, 5).

But “not registering” other people’s sufferings is itself a very complex phenomenon that occurs in both personal relationships and on a more general social level. At the individual level, it may include, but not necessarily, a lack of visual recognition. My first impression of the unencumbered person who

simply walks by when I am struggling with crutches to open a door is not of someone whose perceptual acuity must be urgently deficient. Rather, I am presented with someone in whom my injury fails to resonate, someone in whom there is a basic lack of sensitivity. Similarly, as noted above, our criticisms of the priest and the Levite who simply “passed by” are not that they were perceptually deficient—or, for that matter, that they lacked consciousness, intelligence, or dedication to their tasks. It is, rather, that they could not make room in themselves for the victim. In contrast, the Good Samaritan’s response to the victim’s pain was such that he was “moved with compassion” (Luke 10:33).¹¹

This type of inconsiderateness is, then, not only thought-less, but feeling-less as well. Rather than an outright rejection of the other, it comprises a pre-reflective, affective failure, because one’s sensitivities have been anesthetized through indifference. We will study this subject further in Chapter 3 in terms of the peculiar phenomenon of self-absorption, but here suffice it to say, again, that this insensitivity presents itself as having a normative dimension that merely failing to perceive something or someone does not. My lack of awareness of the cardinals building a nest near my window, or the expensive sports car with which a friend is enthralled, is typically due to concentration on other things, and usually no blame attaches to such a lack of awareness. But if I am insensitive to someone’s fatigue because I was engrossed in telling a story—it simply “never occurred to me” that they might not be enjoying it—then criticism is usually thought to be the appropriate response. It is a deficiency, because I should have known better. It is a shortcoming, because its foundational ignorance is not innocent. As Levinas argued, the prescriptive appeal of the Other is inscribed in our face-to-face relationships, because the face of that Other puts my freedom in question: “The Face, whose ethical epiphany consists in soliciting a response . . . is not satisfied with a ‘good intention’ and a benevolence wholly Platonic” (1979, 225).

When the prescriptive appeal of the other is answered, how is that possible through kind *omissions* to act? To take some typical examples, a parent might witness a child struggling to rise to some challenge and feel a great temptation to intervene in order to save time or to spare the child the possible experience of embarrassed failure. Still, the parent resists. I have committed a *faux pas* and come to be aware of it. Witnesses now have the power of public reproof. I look anxiously, if furtively, into their eyes to measure the impact of my gaffe. Perhaps blushing a little, I see no resolve to embarrass me. They may be looking down or a little to one side in a transparent pretense of having not heard or seen my foolishness—a putative “failure” to hear and see that manifests itself as purposively self-contradictory. Or, they may continue to speak and look at me with poker faces, “as if nothing had happened.” Their kind omission becomes my reprieve.

Again, I might be telling a joke to a group that includes someone who has already heard it. I can tell that the listener’s impatient gestures and anticipative pleasure in a collateral, silent telling of the story reveal a temptation to beat me

to the punch line. But she refrains: there is a smile of confederation, a co-conspiratorial look that gives me to understand that not speaking was a way of taking my side. Our projects interweave as my benefactor laughs along with the rest, lets me take credit for the entertainment, and refrains afterward from the mild revenge of announcing prior knowledge of the joke.

In all of these and similar kinds of cases, the object of the kind omission who is aware of what has transpired becomes cognizant of an absence of response, but one radically different from those of unkind acts of indifference described above. Here the lack of response presents itself as purposive, voluntary, and subtended by a vector quality that mobilizes a sensitivity to help. A choice has been made, and the omission to act is therefore another type of action, that of remaining silent. In such cases, Sartre's early theory of freedom has a certain truth: one cannot not choose (1956, 479).¹² There is a silence, but it is not nothing. It is sensuousness pregnant with meaning—here tact or courtesy—that presents itself as “instead of speech.” It is not the silence of an unintelligible void represented by a corpse or a coma patient but rather of a free, purposive refusal to act that gives me the impression of complicity with my interests.

This is what George Eliot describes in *Middlemarch* when Will Ladislaw had refused a loan by Bulstrode, the banker. Dr. Lydgate, much to his subsequent regret, had accepted a similar offer. Will discovers this fact and, in the course of a conversation with Lydgate, “had a delicate generosity which warned him into reticence” (1965, 840). He remained silent rather than tell Lydgate that he had rejected Bulstrode's money. Phrased differently, this type of “delicate generosity” amounts to a respectful and tactful concern.¹³ As Suzanne Cataldi has pointed out, “All forms of respect suggest the keeping of a deferential *distance*—and an observance of tact” (1993, 9). It is a question of a distance that is thought-full, rather than thought-less.

Similar cases of kind omissions to act are clearly evident in the lives of the sick and injured. The cardiac patient, for example, may be struggling to regain something like a normal purchase on the world, and others may witness her fear, tenuous motility, and diminished energy. When others see but pointedly do not notice or comment, the patient becomes aware of their recognition and also of their kind omissions to call attention to it. Their not speaking or manifesting other gestural recognition is thus distinguishable from the indifference of the egoist. Their non-acts constitute an effort to keep the bonds of intersubjectivity from being disrupted any further than they have been by the patient's pain and illness. They have registered and refused to comment on the patient's weakness. In contrast, the egoist's not commenting constitutes a failure, rather than a refusal, and the failure to comment is parasitic on the deeper one of not registering the patient's suffering at all.

When kindness and unkindness are immediately present in the gesture, speech act, or purposeful omission to act, we know that they are such in and

through a bodily knowledge not otherwise possible. This is so for reasons found in Merleau-Ponty's descriptions of the body as an expressive corporeal schema. The chiasm of the flesh, that which makes the body both seeing and seen, touching and touched, feeling and felt, means that, "The schema of the lived-body, because I see myself, can be participated in by all other bodies that I see. It is a lexicon of corporeity in general, a system of equivalences between the inside and the outside which prescribes to one to accomplish itself in the other" (1970, 129).

Since my body is a concrete unity of the "mental" and the "physical," and since others can participate in the lexicon of my corporeity and I in theirs, it follows that, as phenomenologists have long pointed out, emotions or feelings are not inner realities or "psychic facts" of which behavior is only the physical and inherently meaningless sign or re-presentation. On the contrary, emotions and feelings such as love, anger, fear, and so forth exist only in and through gestures and speech; they are but various modalities of our relationships with the other and the world around us that we express through our bodies. Since meaning is "immanent in the sensuous," that meaning "can be read by feeling or elaborated upon by reflection only if it is first received and experienced by the body, that is, if the body is intelligent from the beginning" (Dufrenne 1973, 341). Thus, for instance, in *A Room with a View*, George Emerson and Lucy Honeychurch "were close to their pension. She stopped and leant her elbows against the parapet of the embankment. He did likewise. There is at times a magic in identity of position; it is one of the things that have suggested to us eternal comradeship" (Forster 1986, 52).

The same is true of kindness. Kindness is in the gesture or the speech act just as immediately as is love or joy, with which it often overlaps, or anger and fear. Kindness is also just as primordially a modality of our relationships with others: it is a way that the texts of our lexicons of corporeity interweave and thus can both read and be read. Kindness, just as emotions, is one of a variety of "types of behavior or styles of conduct visible from the outside. They are *on* this face or *in* these gestures and not hidden behind them" (Merleau-Ponty 1964c, 52-53).¹⁴ This is why we can discover in the body of the other "a miraculous prolongation of my own intentions, a familiar way of dealing with the world. Henceforth, as the parts of my body together comprise a system, so my body and the other person's are one whole, two sides of one and the same phenomenon" (Merleau-Ponty 1962, 354).

The upshot here for the experience of kindness is that my most immediate, primordial knowledge of the other is bodily; it is reached through perception, discourse, and behavior. A given action that appears to me immediately as kind or unkind does not do so as a conclusion of one or more reflective acts but as an immediate perceptual and linguistic presence. Arguments from analogy, Cartesian in inspiration, if not origin, presuppose and are based on this real presence.

My body can resonate and respond to the real presence of kindness (and unkindness) because, as part of the text of the lexicon of corporeity, it is embodied in an inherently meaningful sensuous immediacy. In the case of kindness, I can recognize and respond to the non-threatening deployment of the body of the other, the expense of uncalled-for effort, the concerned facial expression that provides an invitational rather than a threatening greeting, and so forth. Here, as in our perception of things, sense is not imposed on the world but instead emerges in our complicity with it.

Answering the question of how I know that a particular action is one of kindness leads to two other important and related questions. First, even in its simple physical presentations, how can kindness be in the gesture or speech act as a simple feeling or emotion can be? Is not kindness different from emotions and feelings at least in part because it has a motive hidden behind the action and to reach which I have to perform inferences of varying complexity? Second, because any theory of perception has to account for the possibility of error, if we can read kindness in the body's lexicon of corporeity, is it not also possible to misread the text? Let us consider these questions in turn.

It is true that kindness has a motive (s), and therefore it differs in certain ways from feelings and emotions. It is also the case that actions are not self-interpreting: nothing can do away entirely with the ambiguity inherent in perceptual life. Inferences to the agent's reasons and purposes are thus sometimes necessary. But neither of these facts entails that when I have a veridical perception of kindness, I have encountered a meaningless gesture, a mechanical, corporeal re-presentation of a Cartesian-like inner psychical reality. For there is no self-contradiction in saying that kindness has a motive, which is hidden, and is also expressed in an observable gesture, any more than there is in saying that a person can both think and act. Motives qua motives are hidden, but nothing prevents them from being expressed. The possibility of deception does not imply that what we perceive, even when we are mistaken, is inherently meaningless and awaits its intelligibility from the imposition of mental acts. Rather, "[T]he mental life of the other becomes an immediate object, a whole pregnant with immanent meaning" (Merleau-Ponty 1962, 58).¹⁵

This "whole pregnant with immanent meaning"—the immediate presence of kindness in the gesture—is what we see distinctly in the way that *A Room with a View* describes the elder Mr. Emerson: "The kindness that Mr. Beebe and Lucy had always known to exist in him came out suddenly, like sunlight touching a vast landscape—a touch of the morning sun?" (Forster 1986, 177). This real presence is also clear in Toni Morrison's *Beloved*, when Paul D. comes up behind Sethe at the stove: "Behind her, bending down, his body an arc of kindness, he held her breasts in the palms of his hands. He rubbed his cheek on her back and learned that way her sorrow, the roots of it; its wide trunk and intricate branches" (1988, 17).¹⁶ In a very dissimilar setting, the same phenomenon is

evident in Josephine Hart's *Damage*, when the protagonist, a former doctor turned politician, ponders the deaths he has experienced: "A competent easer of pain, I was often the last person the dying saw. Were my eyes kind?" (1991, 13).¹⁷ How strange it would have been if he had asked himself, as a consistent Cartesian ought to have done, whether his eyes re-presented an accurate copy of his inner mental disposition. On the contrary, the gesture was a sensuousness pregnant with meaning, and such experiences serve as a touchstone for all of our inferences in cases in which there is uncertainty.

The second critical question posed above about the embodied nature of kindness concerned the possibility of deception. If mistaken perceptions are possible, how can we tell when we are having a veridical perception of kindness? To answer that question, we must turn to the wider perceptual and social context of acts of kindness. All gestures and speech acts, and therefore those of kindness, appear to us as do perceptual objects—in Gestalt structures of focal points against background contexts that affect their experiential identity. An act of kindness or a kind omission is situated in at least three different types of contexts. There is the immediate perceptual scene, both in terms of the totality of the bodily comportment of the agent, the presence or absence of others, the relevant social situation of the agent, and the like; there is also our knowledge, or lack thereof, of the agent's character. (This is the subject of Chapters 2 and 3.) If we already believe the agent to be a kind person, we anticipatively structure our perceptual fields to expect similar future actions. When we cannot do this, the meaning of the gesture is more nearly bound to its immediate presence and surrounding perceptual context and is therefore more open-textured and ambiguous. This is typical of urban life: many of those who do us kindnesses, or whom we observe doing them for third parties, are anonymous others whom we probably will never meet again.

The third type of context that conditions the appearance of acts of kindness, which we will explore in Chapters 4 and 5, is one of broader cultural meanings. This network of meanings usually does not have to be articulated, since it is learned and lived pre-reflectively, in the same way that we breathe in air. But it is real and important nonetheless, and it has important implications for Schlick's discussion of the smiles of kindness. He asserts that, "Man smiles when he is gay, and also when he feels sympathy." Because happiness and kindness are inscribed in the "same facial expression," nature offers the best lessons, "the inner relationships of happiness and a noble disposition" (1939, 194). But Schlick's confidence about the illuminative power of the smile is not a lesson "which nature itself offers," since any human "nature" is also necessarily cultural.¹⁸ Language and behavior are inevitably biological but at the same time always "escape from the simplicity of animal life" (Merleau-Ponty 1962, 189).¹⁹ Thus there are "*many ways for a body to be a body, many ways for a consciousness to be a consciousness*" (Merleau-Ponty 1962, 124; emphasis in original). As a re-

sult, the smile is inherently meaningful, although that meaning (s) will differ from one culture to another and will still be intelligible to those who live the culture from the inside, or at least to subcultural groups within it, though perhaps hidden from outsiders.²⁰

These three sorts of contexts all provide reasons why we can mis-take a given action for one of kindness, either because of our perceptual failings or because of a successful intent to deceive. The perceptual setting of gestures and speech means that, among other things, kind acts and omissions are situated against a background of indeterminacy and have to be disclosed against these horizons that get filled in through further experiences. It follows, therefore, that even in simple corporeal presentations of kindness, there can be the same ambiguity that Merleau-Ponty held to be the watermark of all perceptual experiences—that is, that the perceived always has more than one possible meaning.

It is also the case that, both with acts of kindness and kind omissions, the resulting ambiguity can vary widely in complexity. A minimal amount of ambiguity comes into play when, say, the person holding open the door of my hotel is the door attendant. The gesture might constitute a kind response to the sight of a guest limping along on crutches, and/or might amount to job performance. On the other hand, there are also highly ambiguous instances—say, in the intricacies of institutional politics—in which what purports to be an act of kindness carries with it a living sense of many other possible motives. There is meaningfulness in the behavior of the other, but in these cases it is much less clear what that meaning is. We must resort to one or another strategy to work out indirectly what the motive was. We might try to remember if we have acted similarly in such situations. If we know the agent, we can consider how the act or the omission to act coheres with other behavior in such circumstances. I can reflect on the general cultural framework of the situation and the likelihood that the other has been conditioned to act in the way that we take her to be acting. We can likewise reflect on future consequences: what can be gained in performing such and such an act?²¹

The upshot here is that we rarely achieve anything like absolute certainty in our reading of the other's actions. Deception, fraud, and seduction are still always part of the social agenda. To construct a minor variation on an actual misfortune of a friend, the stranger who points out the letter that I have dropped on the way to the post office may, when I bend down to retrieve it, take my wallet along with my thanks.²² As François La Rochefoucauld pointed out, "It is very hard to distinguish between kindness to all, and sundry, and consummate cleverness" (1959, §620, 122). On the other hand, as we shall see shortly, there are cases of veridical perception of kindness that, for all practical purposes, provide us with enough certainty to justify beliefs in kindness.

Accounting for error in the perception of kindness looks, then, to be closely analogous to explaining perceptual error generally. This becomes clearer when

the act of kindness, heretofore isolated artificially as a discrete event, is reinserted into the temporal flux of experience in which each present comes into being with a double pre-reflective intentionality, a retention of its past and a protention of its future. These horizons of pastness and futurity provide the present with a context that, just as that of a perceptual object, conditions its experiential identity. In perception, the whole object appears to us from any given perspective, albeit incompletely, and its meaning is filled in through subsequent perspectives as those previously experienced “shade off” (Husserl’s *Abschattungen*) in the past. These perspectives are filled in through the unity of time-consciousness as the meaning of the perceived unfolds before me. Correlatively, it is not the inference that a perceptual object exists that is crucial to constituting the experience, but rather its perception that makes the inference possible.

This is why, for instance, Merleau-Ponty can hold that the perceived world is the foundation of all rationality, and the latter is expressed as a convergence of perspectives: “The phenomenological world is, not pure being, but the meaning that shows through at the intersection of my experiences and at the intersection of my experiences and those of others” (1962, xix–xx). Conversely, perceptual error is explained in terms of a failure to achieve a perspectival congruence. I may think I am standing before a house, but when I walk around it, I discover it is only a clever, two-dimensional stage set. Or I may be convinced that I see the cobra that escaped from the zoo, but closer inspection reveals only the coiled garden hose.

Similar considerations obtain in the perception of kindness, as well as in other phenomena in the social world. I take up situations in which I find myself involved with the other who appears to be doing me a kindness. As noted above, the presentation of that act is conditioned by immediately past experiences, those of a longer duration reflecting my knowledge of the agent, if any; my awareness of socially appropriate behavior in such circumstances, and so on. Likewise, in terms of my protentive intentional relations with the future, such experiences leave me set with certain anticipations about the unfolding of subsequent events. When my expectations are not fulfilled—when, say, I discover that my wallet is missing—I am faced with a dissonance of disconfirming, inconsistent evidence about the other whom I took to be kind.

There are also other cases in which no convergence or dissonance is possible, because it is a question of anonymous others whom I may never meet again. Here the absence of disconfirming evidence is as important as the fact that the stranger has helped me, and my initial uncertainty about how to classify the action eventually yields to a belief in the kindness of a good Samaritan.

The process of convergence and divergence of perspectives is present as well in our experience of kind omissions to act. For example, I may take the other’s silence about some gaffe I have committed as a kind disinclination to embarrass me or harm my reputation, but I may discover later that the reticence was

due to an expected reward (a mild form of blackmail) or a neurotic desire for gossip mongering. My original perception of the kind omission shades off into my past, but it gets changed when held retentively against the backdrop of intervening experiences.

For both kind acts and omissions, however, there are some significant differences from perceptual experience in the way that the process of confirmation and falsification of perspectives works. A confirming series of perspectives on a perceptual object fills in the content of the given with new information. I see the house now from the side, then from the back, then from the other side, and so on. In the case of acts of kindness and kind omissions—unique events—a confirming series of subsequent perspectives provides no new information. Only disconfirmation through inconsistencies reveals anything new. Second, confirmation and falsification do not happen at the same rate or with the same rhythm as in the perceptual world. Usually I can discover that the “house” is really a stage set in a rapid, straightforward manner that is often impossible in the perception of kind acts and omissions. However, not only will I often have no further interaction with passing strangers, but also, even with people with whom I do, I cannot control the flow of events that will provide me with inconsistent evidence.

In sum, then, we have a matrix of six possibilities in our perception of simple physical acts of kindness and omissions. (1) I believe that kindness is really present in the action or omission, and it is. This is a case of veridical perception. (2) I believe that kindness is really present, but it is not. I am mistaken: I have, say, been duped by “consummate cleverness.” (3) I do not believe kindness is present, and it is not—a second possible case of veridical perception. (4) I do not believe that kindness is present, and it is: I am again mistaken, perhaps because I have been “burned too often” and am overly suspicious. I am not certain whether an act is one of kindness, and (5) it is, or (6) it is not. My frame of reference may have been inadequate to appreciate what I experienced, I may not have been paying close enough attention, and so on. But whatever possibility happens to be instantiated in a particular instance, it is still the case that the gesture or speech act remains inherently meaningful behavior that sometimes is and is not correctly perceived. The possibility of error does not entail taking refuge in a Cartesian-like dualism.

Neither is a totalizing and crippling skepticism or cynicism warranted just because deception is always possible. To say that we can be deceived rests on the ability to perceive correctly, and this is as true in the social world as in the life of perception. Total deception, that last Cartesian spectre haunting phenomenology, is incoherent, because the very sense of a mistaken perception derives from veridical perception (Austin 1962, 118–19). Or, in Levinas’ idiom, “[D]eception and veracity already presuppose the absolute authenticity of the face” (1979, 202). Thus in the case of kindness, I cannot know what it means to be

deluded without also having the experience of being right with which to contrast it. There are simple acts of kindness that seem so compelling that the possibility of false impressions reduces to the mere logical possibility of clever acting, fraud, and seduction. Such cases are analogous to certain emotional presentations in which one would not even be inclined to raise the hypothesis of doubt—as, say, when confronted with a parent whose child has died and whose grief is so fierce that it is frightening. As Wittgenstein said, “Just try—in a real case—to doubt someone else’s fear or pain” (1968, §303). Similarly, the coronary care patient can only logically doubt the presence of kindness in the smiles and encouraging words bestowed by worried relatives.

Beyond such experiences of kindness, however, and in direct proportion to the absence of confirming evidence, a kind of faith takes over so that we credit (in both senses) the other with an act of kindness. In the supermarket checkout lane, for example, if the shopper with the fully laden cart lets me go ahead of her with my hand basket, I thank her for her kindness. I might be wrong in this ascription because, say, I mistook an inattentive, coincidental eye contact for an invitation to help speed me through. But the possibility of being wrong rested on that of being right, or, as William James noted in another context, “Truth lives, in fact, for the most part on the credit system.” Our thoughts and beliefs are credited just in case nothing contests them, just as bank notes are, provided that people do not refuse to take them. “But,” James continues, “this all points to direct, face-to-face verifications somewhere, without which the fabric of truth collapses like a financial system with no cash-basis whatever” (1910, 207–208). An experience of kindness that provides the foundation for that credit we extend to others, as Merleau-Ponty said in another context, “hollows itself out, loses its opacity, reveals a transparency and itself makes sense forever . . . if one wanted to contest it, one would no longer even know for what one is searching” (1973, 121).

Mediately Presented Acts of Kindness and Kind Omissions

Immediate presentations of simple, physical acts of kindness and kind omissions serve as our original and clearest objects of the experience of kindness. They are perceived directly as kind, and their meaning gets disclosed in their original contexts as well as subsequently through either confirmation of our original impressions or as thrown into doubt by inconsistent evidence. However, kindness is notably more complicated than these simple examples, and all of the considerations sketched above about veridical perception and the possibility of error apply in an even more complex way to these more difficult sorts of cases. Those kindnesses, both of acts and omissions, become apparent only after their occurrence, and sometimes long after. In these cases, kindness ap-

appears mediately, and the mediation is usually accomplished by a number of inferences about what was originally undetermined.

When I eventually come to perceive a previously undetermined act or omission as kind, I see the act or omission invested with a motivated freedom, purpose, and sensitivity to my welfare—the qualities described above that I find in immediate presentations of kindness. But I also become aware of the fact that I did not originally get it, and I am then led to focus on the reasons why I misunderstood the situation. Sometimes there is a fairly simple answer: I may have been tired, distracted, wrapped up in my own enjoyment of life, in pain or injured, and consequently my ties with other people were severely disrupted. Or, more interestingly, I can sometimes detect, retrospectively, in the behavior of the agent an originally invisible sense of strategy to distinguish between what really was in my interest and the immediate gratification of my desires.

For example, someone might deny me something I want very much, or do something to me that I find odious, and only after the fact can I detect how the other sought my long-range good at the price of my immediate gratification. I discover that, in addition to doing something to me, she was actually doing something for me as well. In such cases we must distinguish a double gratification of desires, that of the object of the act of kindness and that of the agent herself. Thus, for instance, while it is no kindness to children to spoil them,²³ those inclined to do the spoiling might be less firm than they ought to be and experience a reciprocal pleasure in being so.

Conversely, when we manage to resist the temptation successfully, we can do so in a kind and an unkind way, and the former can always be misinterpreted as the latter. This can happen when, say, heads of organizations need to let personnel go because they are not good enough. However, delivering bad news in kind fashion poses multiple challenges, because disrupting illusions and breaking up “fool’s paradises” become notoriously difficult without attacking the dignity of the person (s) involved.

Nevertheless, it is no kindness to give an addict a hit, or a student a “charity D” when such generosity may create a real possibility of greater future pain and suffering—although the addict or the student would certainly press for the chance to run the risk, and the addict’s benefactor or the instructor might be sorely tempted to give in. The intensity of such temptations led the Partnership for a Drug-Free Greater New York, along with the New York Business Alliance, to take out a full-page advertisement in *The New York Times* on August 23, 1993 (p. C8) to urge employers not to ignore addicted employees. The copy that accompanied the picture of a pleading addict said in relevant part, “You could kill an addict with kindness. . . . An addict’s only chance is treatment. But kindness won’t help somebody who’s hooked. . . . It’s not pleasant. Confrontations and threats never are. But your toughness may be the addict’s only hope.” However, this is a seriously mistaken view of kindness. It is no kindness to be

an accessory to an addict's self-destruction, no matter how much one's short-term help is begged for. It is, rather, a kindness to seek the addict's longer-term, but initially more painful, good. Therefore, the Jewish Theological Seminary in New York got it right in another full-page advertisement in the *Times* on Wednesday, September 15, 1999 (p. A10). The ad begins with a quotation from Leviticus 19:14: "Do not put a stumbling block before the blind." The copy then continues: "But there's more than one kind of blindness. And this teaching is a wake-up call to all of us who'd never think of ourselves as cruel or dangerous. It says we are answerable if we put the young, the impressionable, or the vulnerable in harm's way." There then follow five different ways that we do that: "Abet an addiction, fill teen magazines with ultra-thin models, make lethal weapons available to children, support entertainments that glamorize violence, [and] push the sale of chances for 'easy money' to people in poverty." We could also add very different types of stumbling blocks, such as creating markets for human organs and seducing people into becoming donors as a way of escaping their grinding poverty.

Mediately presented acts of kindness, as distinct from those that manifest themselves to us immediately, are often marked by conflict, alienation, and sometimes, real pain. Thus their sense is generally not apparent in the gesture or speech act and frequently cannot be communicated otherwise. The true meanings of these actions or omissions must therefore await their explication when subsequent events unfold—if they do at all—possibly when the recipient of the kindness takes the place of the agent at some time hence. For example, it is not unusual for new parents to gain insights into their own childhood experiences and to then change their view of their parents. Or, in a different sort of case, the recipient of a past act of unacknowledged kindness might chance to hear the original events described in a different light, or in a manner providing new information, which changes her view of them.

A different type of credit system and verification thus takes over in such cases. There is no initial credit that has to be paid back with subsequent experiences to which I am sensitive for such purposes. Rather, when the sense of the kindness can be constituted after the fact, I accredit the action and credit the agent at the same time through a juxtaposition of my memories and present experiences. The accrediting and the verification are one and the same thing. In addition, the subsequent experiences that mediate the appearance of the past event might have nothing to do with the agent of the original, unperceived kindness. For that reason, these later experiences might well never lead me to understand and appreciate the original kindness.

Mediately presented acts and omissions teach us also to distinguish kindness from a cluster of cognates with which it is often identified: niceness, courtesy, and gentleness. Kindness may overlap these qualities, but the connection is always contingent. In the types of examples we have been examining, kindness

can exist in the absence of these qualities—I can “get tough” with the addict or the able student who is unintelligibly failing, because I fear that any gentleness, niceness, and so on would only offer illusory comfort. Such qualities can also exist when no act of kindness is present, from which it follows that they are not sufficient conditions of kindness either.

Considering first niceness, there are several reasons it is not identical to kindness. I can be nice to an addict by providing another hit, or to an alcoholic by buying a drink, but, for the reasons given above, it would be unkind to do so. Someone can be nice to me as a sort of general posture toward the world, a kind of neutral stance of noninvolvement or noninterference that is not an act even directed toward me, let alone intending my welfare. That is, niceness can be a social strategy of the least involvement and responsibility possible in order to get by with the fewest inconveniences. Niceness can also be, as Virginia Woolf shows us, a technique of insincere social convention. For example, in *To the Lighthouse*, Lily Briscoe turns the dinner conversation favorably in the direction of Charles Tansley. “She had not been sincere. She had done the usual trick—been nice. She would never know him. He would never know her. Human relations were all like that, she thought, and the worst . . . were between men and women” (Woolf 1992, 86).

A close relative of this type of unkind niceness consists of the plastic friendliness that hospital patients often experience. The forced smiles, the overspirited talk that is just a bit too loud, the brisk demeanor, and the avoidance of eye contact and direct answers to questions announce and instantiate a strategy of non-involved managing of a “problem.” The patient’s sick and/or injured body lies at the core of her existence. Plastic friendliness relegates that suffering to the status of an obstacle to the smooth functioning of the bureaucratic machine, hence the inevitable dissonance in the phrase “managed care.”

In a very different sort of context, the work of Lyn Mikel Brown and Carol Gilligan has shown that niceness and kindness are held to be equivalent in American society as a goal of a complex socialization process for girls. But in this process, the latter are expected to undergo the unkindness of suppressing their personalities, silencing themselves, and muting their ambitions to the profit of boys and then men. In this equivalence, as Brown and Gilligan also appear to construe it falsely, kindness is said to function as a tyranny.²⁴ In Chapter 7 we shall see that this socially constructed niceness is deeply unkind to both boys and girls, as well as to men and women.

Another reason for rejecting the identification of kindness with niceness is that the latter, but not the former, can serve as a cover for repressed hostility. Indeed, Florence King claims that, “Niceness as practiced by Americans is a festival of misanthropy denied” (1992, 9). In her view, random expressions of niceness merely hide anger and animosity. Citizens who do not necessarily hate all of their fellow citizens are still appalled by “compulsory gregarious-

ness, fevered friendliness, we-never-close compassion, goo-goo humanitarianism, sensitivity that never sleeps, and politicians paralyzed by a hunger to be loved" (1992, 8).

Some cases of niceness are therefore not cases of kindness, and vice versa, and the same relationships obtain between courtesy and kindness. Some instances of kindness, especially those associated with "tough love," are not typified by the graceful politeness that we associate with courtesy. Conversely, some examples of courtesy cannot be acts of kindness. Someone can courteously rob us, denigrate us socially, or even kill us. As for the latter, Isabel Allende tells us about the most powerful man in a particular dictatorship. He was the "Chief of Political Police, the Man of the Gardenia." He had "slicked-down hair and manicured fingernails, impeccable white linen suits—always with a flower in the buttonhole—and French cologne. . . . He personally directed the torture of prisoners, elegant and courteous as ever" (1989, 69).

Gentleness has an equally contingent relationship with kindness, though much more subtle and variable than niceness and courtesy. For, in fact, most of the simple corporeal acts of kindness of the types described above are marked by a gentleness of non-domination that leads to their false identification. Think again of Updike's poignant description of women who bestow their "eyes of famous mercy" on those in pain, as well as the constantly conjoined description of some social phenomenon as "kinder and gentler." Nonetheless, kindness is not the same as gentleness because, as Rousseau's criticisms of Montesquieu remind us, gentleness is sometimes a "weakness of the spirit," since "there are cowardly and faint-hearted souls . . . who are gentle only through indifference to good and evil."²⁵

We can also see clearly the lack of synonymy between gentleness and kindness in Philip Hallie's comments on William Hogarth's engravings, *The Four Stages of Cruelty*, but this case is more philosophically instructive. In the first of these pictures, a smiling boy is tying a bone to the tail of a dog that is, in turn, licking the boy's forearm. This is a preparation for torture, and for Hallie, "[A] process that ends in horror often begins gently. In fact, the gentleness helps put the victim in the power of his oppressor" (1982, 24). For "oppressor" we can also substitute "seducer," "confidence man," and the like to indicate a number of unkind processes for which gentleness is a necessary condition of success.

Hallie actually uses this example to identify kindness with gentleness. He refers to the boy's action as a "momentary kindness" that "often is a part of the cruel act; cruelty can be going on when there is not yet any dramatic pain" (ibid.). However, a gentle gesture and a smile to an animal as a prelude to torture do not show that tying on the bone was an act of kindness any more than, as McTaggart pointed out in another context, "the refreshments administered in the intervals of tortures proved the humanity of the torturers" (1906, 256).

Even if the agents in both cases wanted their victims to perceive their acts as kind, it would be seriously misleading to describe them as such. Both acts involved a protentive intentional relation to a future objective that gave them their identity. Clearly these horizons of futurity provided no intent to increase the welfare of the victim. On the contrary, as Hallie notes, it was simply to make the victimization easier and, in the instance cited by McTaggart, to make the torture last longer. For, as Foucault points out, “[D]eath-torture is the art of maintaining life in pain, by subdividing it into a ‘thousand deaths.’ . . . Torture rests on a whole quantitative art of pain” (1977, 33–34).²⁶

Hallie’s misidentification of gentleness with kindness is also found in literature upon which the U. S. Supreme Court based its famous *Miranda* decision. The Court was concerned about techniques of interrogation in which it was said that kindness was employed as psychological coercion in an atmosphere of privacy—the suspect alone with the interrogator(s). The Court noted the following description of such techniques: “In the preceding paragraphs emphasis has been placed on kindness and stratagems. The investigator will, however, encounter many situations where the sheer weight of his personality will be the deciding factor” (O’Hara 1956, 112), *Miranda v. Arizona*, 384 U. S. 436 (1966), at 451. But then O’Hara proceeds to give the lie to the label of kindness, because he equates “kindness and stratagems” with “emotional appeals and tricks.”

There are, unfortunately, actual cases of McTaggart’s descriptions of the torturer, and not just in the age of the Spanish Inquisition. Kurt Franz, commander of the Nazi concentration camp at Treblinka, “personally killed 139 prisoners and was convicted by a German court for complicity in the deaths of 300,000 others. He used to pummel Jews to death at a whim, even reviving them with water during the beatings so that their suffering and his unconcealed pleasure could be extended.”²⁷ It would have been stupefying if Franz’s victims or Franz himself viewed the proffered water as an act of kindness.

There is at least one more important feature of acts of kindness and kind omissions that only makes sense as such after the fact. This is how we assess their consequences in terms of the important moral and legal distinction between harming and hurting. If someone spreads a scurrilous rumor about me and I never find out about it, I will have been harmed but not hurt. If someone uses me as an experimental subject and I never discover the fact, I will also have been harmed but not hurt. An act of kindness, in contrast, can hurt—if I fail instead of receiving a “charity D, or if I am dropped from a sports team—but it cannot intend to harm the person to whom it is directed.²⁸ This is the sense of the interaction between Margaret Schlegel and Leonard Bast in E. M. Forster’s *Howards End*. Margaret’s sister, Helen, has brought Mr. Bast to talk about a job with Margaret’s husband, the elder Mr. Wilcox. Margaret must tell Leonard that it will not work, so she says, “I can only advise you to go at once. My sister has put you in a false position, and it is kindest to tell you

so" (1985, 178). Margaret realizes that this refusal will hurt, but she wishes to save Mr. Bast from harm and further hurt.

Actions are done, or omitted to be done, by persons, and it is not only the act or omission which can be said to be kind or unkind, but also the agent. Since, as we have seen, our perceptions of agents themselves as kind or unkind are closely related to our perceptions of their actions and inactions, references to some qualities of the kind Other have already surfaced. We shall now consider what it means for persons themselves to be kind. In that way, Chapter 2, like the others that follow in Part One, will deepen and extend the present chapter by filling in the concrete contexts of kind acts and omissions.