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## Liberté, Égalité, Sororité: How Care Ethics Informs Social Justice

Maurice Hamington

Portland State University, maurice4@pdx.edu

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## ***Liberté, Égalité, Sororité: How Care Ethics Informs Social Justice***

Virginia Held has claimed that “there can be care without justice” but “there can be no justice without care.” Alternatively, bell hooks has suggested that there can be “no love without justice.” What is the relationship between justice and care? Does justice need an emotive, particularist, contextual aspect or is it fundamentally a universal and abstract concept?

Care ethics, as contemporary feminists have defined it, is only a quarter of a century old. When theorists were first struggling to distinguish this new ethical approach, some chose to sharply differentiate it from theories of justice. Now that care ethics has matured as a field, theorists no longer pit care and justice as purely oppositional, giving rise to new questions about how the two moral concepts relate to one another. As Annette Baier writes, “justice is a social value of very great importance, and injustice is an evil [however] other things matter [in moral theory] besides justice.”<sup>1</sup> One of those things is care.

One can only do so much in a short paper. Elsewhere I have claimed that care is foundational: all morality, including justice, emerges from our ability to care; although care is clearly an overlooked aspect of human existence. Accordingly, I do not see care and justice as antithetical or alternative theories but that attending to care has the potential to enrich our ideas about justice. In this paper, I suggest that care provides at least 3 important dimensions to justice: a motivational foundation for justice, an enlarged human ontology, and corrective to the temptation of gamesmanship.

I begin by discussing the nature of care ethics, then I turn to Rawlsian justice and address what care uniquely contributes social justice.

## Care Ethics

Care ethics is the youngest of the Western moral approaches. The term was first coined in 1982 making it a little over a quarter century old. By comparison, utilitarianism is a couple of hundred years old, virtue ethics is maybe 2500 years old and deontological ethics is at least 4000 years old. My point is that care theory is still in its nascent development stage and its contours are still being negotiated. Theorists continue to argue over how to categorize and define care ethics.

Early formulations of care emphasized gender, personal relationships, and the paradigm of parental caring. The early work of Nel Noddings, Sara Ruddick and others perpetuated the personal dimension of care. More recently there have been efforts to theorize about socializing care

So what is care? In a recent book, feminist philosopher Virginia Held, after explaining that there is not yet agreement about care describes it as both “a practice and a value. As a practice it shows us how to respond to needs and why we should. It builds trust and mutual concern.”<sup>ii</sup> She also claims that care and caring relations need to be further valued in our society. Joan Tronto describes care ethics as a practice that endeavors to maintain, continue, and repair the world.<sup>iii</sup>

In my view, care refocuses ethical content away from adjudication to consider the process, context, and affects of behavior. Care is a relational approach to morality born out of the notion that human beings are not simply independent rational agents. Care ethicists begin with the premise that humans are fundamentally social beings enmeshed in a web of relationships. Any action of moral significance takes place in a particular context that includes and impacts many other beings. Accordingly, care ethics favors concrete considerations over abstract ones.

Understanding the real people and implications involved in any situation is crucial to care. The moral agent is not simply an ambiguous other but a flesh and blood human being to which we have a connection despite significant differences of culture, class, or gender. Empathy and compassion are valued over hypothetical applications of moral reasoning.

In the book, *Embodied Care*, I argue that care ethics is not an alternative moral theory particularly when it comes to adjudication. It represents a reframing of morality that does not negate principles or consequences but suffuses those approaches with a fundamental concern for relationships and particularity. In many ways, care ethics does a different kind of work than many other ethical approaches. It does not provide a rubric for determining moral action in the abstract, but it does offer guidance as a situation unfolds or becomes more concrete. For those steeped in purely abstract ethical thinking this can be very frustrating because care does not offer the same clarity at the abstract level that other forms of ethics do. As philosopher Susan Hekman describes, care ethics is part of a modern intellectual “sea change” that is moving away from absolutism and universalism toward particularism and concreteness. The starting point for particularism and concreteness is experience.

Care ethicists often find themselves reconsidering the place of emotions in morality. Feelings are an outgrowth of beings who imaginatively consider the position of particular other beings in relation to themselves. This is not to assume that one can “own” someone else’s experiences, however despite vast differences there is always room for some degree of understanding. By extension, knowledge is viewed not as simply an amalgamation of facts and propositions but as potentially disruptive to the routines of our lives when we care. Understanding one another leads to sympathetic connections that have the potential to draw us to act on behalf of others. Care theory, then, addresses both the nature of ethics and the nature of

knowledge.

Ultimately, why is care ethics so hard to define? Perhaps my idiosyncratic approach to care ethics that grounds it in the body helps explain. I believe the reason there is so much difficulty in defining care ethics and yet so many people find it compelling is that it is an understanding that is in part embodied. Humans learn to care not in an abstract way but in very **concrete** ways from others through proximal examples. We experience care directly, through the body, learn it, capture it, and then extend it to others. Furthermore, care is also **implicitly** learned rather than explicitly articulated. People generally do not stop and announce that they are going to teach care to someone. Care is given in subtle and complex ways. Applying the work of Merleau-Ponty, I contend that our bodies catch and learn behaviors of care and then extend them to others. This is a discussion for another time but this explains to you my bias when it comes to care and why it is not easily or simply articulated.

### **Care, Justice, and Gender**

The early work on care ethics was unfortunately often interpreted to generate some binary positions. Most importantly was the notion that Care = feminine ethics and justice = masculine ethics. In 1982 Carol Gilligan performed the crucial feminist function of naming the previously unnamed, but as with all new ideas, defining required describing as much what care is not as what it is. Gilligan's early thinking focused on the idea that care was not justice. Other theorists and commentators picked up on this idea. Given Western proclivities toward binary oppositions, care and justice were posed as mutually exclusive and the dichotomy mapped nicely onto ideas of masculinity and femininity being opposites. Over time, feminist theorizing

regarding care ethics, including that of Gilligan, moved away from dichotomous thinking with a number of theorists attempting to reconcile care with justice.

Care's relationship with gender is complex. The alternative voice of care emerges out of women's experience. Women have historically been the caregivers and therefore have thought about it, lived it, and embodied it. However, care, as an approach to morality does not hinge on gender. There is nothing in the scholarly reflection on care that establishes a gendered prerequisite.

Unfortunately, the notion that care and justice are mutually exclusive has persisted in the minds of some as witnessed in contemporary textbooks of ethics.

Nevertheless, care ethics remains one of the most dynamic aspects of feminist theorizing with new works being published all the time.

### **Care and Rawlsian Social Justice**

No one can discuss contemporary social justice theory without addressing the work of John Rawls. I will make my summary brief here as I imagine this audience is quite well versed in Rawlsian theory. Rawls conceives of justice as fairness and to achieve fairness he offers two principles: the liberty principle and the difference principle. To achieve a perspective of fairness, Rawls constructs a fictional "**original position**" of ignorance from which no one knows their relative strengths and weaknesses and thus cannot speculate as to personal advantage. From this veil of ignorance, according to Rawls, one logically draws his two principles of fairness. The first principle addresses equality. Because relative social advantages are unknown, everyone has an equal right to basic liberties such as freedom to vote, run for office, speech, thought, and, negatively, from arbitrary arrest. In isolation, the first principle is both simple and radical in its

call for equality. Rawls' second principle of justice is more utilitarian. This principle allows for the abrogation of perfect equality but only when such inequalities benefit the least advantaged of society and their remains fair opportunities to obtain jobs. Accordingly, a physician may have disproportionately large access to social resources because she will contribute to the well being of the poor in ways that would not be possible if everyone had equal access to social resources.

Susan Moller Okin provides one of the most thorough feminist criticisms of Rawls' approach. Okin finds a widespread absence of women in Rawls' language. Although Rawls' theory of justice would ostensibly seek fairness for women as well as men, Okin demonstrates its inherent masculinist bias. For example, Rawls repeatedly refers to justice coming to heads of households in an attempt to account for non economic relations in society. While there is an admirable aspect to this sentiment, Rawls is implicitly discounting gender relations within the family unit as an issue for justice and he is reinforcing traditional notions of separate spheres. In addition, we continue to live in a society where "head of household" is often heard male. Perhaps more importantly and yet related to the gender analysis, is Okin's concern that the individuals in Rawls' original position are mutually disinterested.<sup>iv</sup>

Rawls theory of justice is rational, fair, and highly compelling. However, it is an abstract construct. Notions such as "original position" "veil of ignorance" and "fairness" are fictions. Compelling fictions but fictions nonetheless. They are intended to appeal to reason. In particular they are intended to appeal to the rational self interest of individual moral agents. Okin's analysis of Rawls connects well to care ethics. Nel Noddings finds Rawls's entire project well-intended but misguided in its emphasis on rationality of a certain sort. Rawls writes of a "rational plan of life" to which Noddings retorts, "Historically, who has come close to doing this?"<sup>v</sup> Noddings responds that Western White educated males have come the closest and even

then not in any consistent manner. She advocates giving up the idea of life as a rational plan. Her approach to finding justice in society is to begin with the experience of the best homes and extrapolate from there. Beginning with concrete moral experiences and thematizing from those. Accordingly, I will offer three areas where I believe care has an important contribution to make to theorizing about justice.

## **What Care Contributes**

### **1. A Foundation for a justice motivation**

Here I will address how care is both a personal foundation for justice and a social foundation for justice. Noddings claims that we cannot develop a theory of justice “without first developing a social theory of care.”<sup>vi</sup> Care for the other and ourselves motivates justice. My imaginative understanding and empathy for the other makes them a real possibility and instantiates their agency for me. I understand what it feels like to be slighted and mistreated and when I can see the other as myself or an extension of myself, I want justice for them. Rather than self-interest as the motivator for justice, self-understanding is the motivator according to a care approach. The civil rights movement was a struggle for social justice between those in power and oppressed people. While there was a legal and political battle for rights, there was also an affective struggle to view African-Americans as fully human capable of feeling the pain of injustice as well as the joy of freedom. When the other is conceived as wholly different the discontinuity makes caring difficult and the desire to bring justice less compelling.

Care, as a personal basis for pursuing justice is a theme that repeats itself over and over again in human experience. For example, Ida B. Wells (1862-1931) was the greatest of all

crusaders against lynching. Her campaign was one that explicitly couched her work as social justice. Wells used evidence from police reports to demonstrate that lynchings were carried out arbitrarily, usually without any crime whatsoever as a basis—a violation of fairness. She repeatedly invoked the language of justice even in the title of her autobiography, *Crusader for Justice*. What initiated Wells into this crusade? In 1889, three of her friends were wrongfully convicted and subsequently hung in Memphis. She had a connection. She cared about these individuals and their plight—an affective experience. Wells reflected on this experience and extrapolated that sympathetic understanding to others who she did not know. Subsequently, Wells had what has been described as a “passion for justice.” Note that term. Justice, for example in the Rawlsian sense, is an abstraction but when founded in personal connection it can be passionately pursued. At least a perception of caring is involved.

Some have suggested that caring should be the motivation and criteria for social policy. In his recent book, *The Ethics of Care and Empathy*, Michael Slote applies his understanding of empathetic caring to social institutions and policy. His version of care ethics is squarely centered on a rich understanding of empathy. Previously, Slote contended that care is a form of virtue ethics, a view that he has not altered but his later work has increasingly placed care at the forefront of ethical theory. Slote suggests that we can assess the justice of laws and policies by whether they reflect care: “an ethics of empathetic caring can say that institutions and laws, as well as social customs and practices, are just if they reflect empathetically caring motivation on the part of (enough of) those responsible for originating and maintain them.”<sup>vii</sup> Although I am not comfortable with Slote’s emphasis on care as a theory of adjudication, I find his notion that care be valued in the development of social morality attractive.

My first point might be described as attending to the psychology of justice through care.

## 2. A Challenge to Who We Are: An Enlarged Human Ontology

Traditional forms of justice treat humans as wholly individual agents capable of moral agency. There is truth to this as humans make decisions with ethical implications all the time. Yet, individual agency does not tell the whole story. Humans are also fundamentally social beings enmeshed in webs of relationships that deeply impact our ethical choices. As Annette Baier describes, we are all second persons. We exist in the tension between an individual identity and a social constitution. To ignore either element is to posit an incomplete human ontology. Justice as it is normally constructed addresses individual considerations such as rights. Here, Okin's critique of Rawls is relevant. Rawls assumes atomistic rather than interdependent and engaged individuals. Assumptions about individualistic human nature is built into many theories of justice which are difficult to challenge particularly from within the culture of the ruggedly individualistic United States and its dominant economic form that continually reinforces individualism. Entailed in the story of individualism is the idea of self-sufficiency. In psychological terms, an internal locus of control over one's life. In reality, humans are more vulnerable than that. Everyone goes through being cared for in their lives at one time or another.

Related to this understanding of individuals, is the question of what constitutes autonomy. This is a fascinating subject that time will not allow a discussion of here, but autonomy has been a very important subject in Western theorizing because its ethics has emphasized individual morality for so long. An enlarged notion of autonomy, or as Grace Clement and Slote describe, a **relational autonomy**, might be an important prerequisite for a robust sense of social justice.

### 3. Application: A corrective to gamesmanship

The fairest system of justice that does not account for the circumstances of its constituency is fraught with danger. One circumstance is the inconsistent applications or understanding of ethical ideals. Even if a system of justice is constructed with the best of intentions, those who apply it may not use the same spirit. For example, African American males were granted the vote at the federal level in 1865 with the ratification of the 13<sup>th</sup> amendment. Soon thereafter, Jim Crow laws including literacy tests and diploma requirements began to appear that placed education restriction on who could vote. Ostensibly, such laws followed the letter of the law as they did not name African Americans for exclusion, but in their application they served to discriminate. Justice, in the form of laws, was manipulated. Here the nature of human rights is addressed. Do rights exist when an authoritative body promulgates them or when they are widely actualized? The gap between existence and actualization can grow when rights are imposed and enforced externally but do not represent an internalized change amongst the constituency.

Socially applied care ethics is very demanding, and perhaps slow, akin to the nature of deliberative democracy but perhaps more resistant to legalistic gamesmanship. If an atmosphere of authentic care for the well being of African Americans had accompanied changes in suffrage laws, such gamesmanship would have been less likely. In this case, care makes the notion of justice more robust and open to manipulation. Part time philosopher, Mark Twain captures this notion in the late 19<sup>th</sup> century novel, *Huckleberry Finn*. The protagonist is morally torn when confronted with the opportunity to help Jim, a runaway slave escape. Everything he has been told about justice indicates that helping Jim is wrong.

Jim is someone else's property and helping him escape would be stealing. The argument is rational but the premise is wrong. However, Huckleberry Finn does not come to the conclusion of helping Jim through rational argument but rather because of their time together, he has come to care about Jim. In Twain's insightful characterization, care provides a corrective to twisted notions of justice that made a human being a form of property.

## **Conclusion**

Care theory has the potential to reframe how we approach the social good that is justice. It can alter the presumptions and applications of social justice. For example, our keynote speaker, Margaret Urban Walker integrates ethics and psychology to develop the notion of "moral repair" in response to acts of injustice within the scope of restorative justice. Rather than disengaged individuals, Walker begins with the assumption of the community members existing in a moral relationship to one another that entails some shared values without eliding diversity. Walker advocates a more active and engaged form of justice because it is funded by this moral relationship rather than coercively or abstractly imposed. Because the norm is the morally related community, violations or crimes damage the relationships and must be repaired in order to restore the moral community. In this manner, Walker has offered a new vision that does not negate the value of justice but reconceives it to account for caring. Walker is not alone. Recent work has witnessed feminists and nonfeminists such as Slote

It may be that care theory simply gives us permission to think differently: to start from the particular and move to thematic understandings of justice and back again.

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<sup>i</sup> Annette Baier, “The Need for More Than Justice” *Justice and Care: Essential Readings in Feminist Ethics*, Ed., Virginia Held (Boulder: Westview, 1999), 47.

<sup>ii</sup> Virginia Held, *The Ethics of Care: Personal, Political, and Global* (New York: Oxford University Press, 2006), 42.

<sup>iii</sup> Joan Tronto, *Moral Boundaries: A Political Argument for An Ethic of Care* (New York: Routledge, 1993), 104.

<sup>iv</sup> Susan Moller Okin, *Women in Western Political Thought* (Princeton University Press, 1979).

<sup>v</sup> Nel Noddings, *Starting at Home: Caring and Social Policy* (Berkeley: University of California Press, 2002), 92.

<sup>vi</sup> *Ibid.*, 61.

<sup>vii</sup> Michael Slote, *The Ethics of Care and Empathy* (New York: Routledge, 2007), 94.