

Care Ethics and Liberalism

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If care ethics is to represent a systematic alternative to rationalist/traditionalist approaches to morality, it has to speak and speak persuasively about political issues. Yet in that area it seems to have a marked disadvantage vis-à-vis liberal Kantian or Rawlsian views about rights (and justice to the extent it involves the honoring of rights), because of the way or ways we naturally and typically speak about political or human rights. Not just rationalist/liberal philosophers but ordinary Americans too think we have a fundamental and/or self-evident right to various civil liberties: e. g., to freedom of speech and freedom of religious worship. And because this intuitive or at least familiar way of conceiving political morality seems far from anything care ethics would want or be able to say, care ethics has a problem. One way out of the problem would be and in effect has been simply to grant that liberalism is right and says all the right things about political/legal issues, thus treating care ethics as mainly an approach to the ethics of personal or private relationships. That has—with certain important qualifications—been the approach taken by Virginia Held and certain other care ethicists.¹ But this way of pursuing care ethics is problematic on a number of theoretical grounds.

First, it concedes that the original impulse or motivation behind care ethics—the idea of connection with and caring about others as ethically basic—can't adequately deal with political issues, and since Kantian ethics and various other forms of rationalism can and do claim to cover the whole of ethics, both private and political morality, care ethics will seem less comprehensive and less adequate if it has to borrow from other views to fill out what it says otherwise about morality or ethics. Care ethics will then be a kind of hybrid, and it will be understandable in ordinary philosophical terms if more uniform

and systematic approaches like Kantianism and consequentialism are preferred to what is merely partial and in need of supplementation *by one of those other approaches*.

But there is another problem too with the proposal to limit the ethics of care to the private sphere. Even if we grant the personal isn't *entirely* the political, it is obvious nowadays that these two spheres or aspects of morality intersect and interact in very important ways. So how can care ethics keep its approach to individual/personal morality clear of implications for political morality, rights, and justice? And there is more to be said. I have argued in my 2007 book *The Ethics of Care and Empathy* that the basic philosophical/moral ideas behind care ethics are actually inconsistent with liberal political/legal views (that was my main purpose in writing this book).² Care ethics from its inception in the 1980s has put great stress on connection with others, and the kind of liberalism we are focusing on here emphasizes autonomy (rights) in a way that insists on the moral separateness of individuals. It is difficult to believe that this difference, this *opposition*, wouldn't lead to different moral judgments about specific ranges of political/legal cases, and that is just what we in effect do find. In what follows, I shall mention some important areas where there is a normative conflict between what liberalism says and what care ethics, if at all true to its founding theoretical/moral motivations, will want to say, and I think two things follow. First, that we had better not try to harness care ethics to or with political liberalism because that leads to forms of inconsistency we should surely wish to avoid. But, second, it follows that if care ethics wants to speak about political issues, it needs to speak with its own distinctive voice and thus to cover the full range of issues and cases—both personal and political or mixed between them—that Kantianism, etc., seek to deal with. And this, as I mentioned above, creates problems for care ethics because it deals with political questions in terms of empathy, caring, and connection rather than speaking of basic and independently intuited political rights in the way that comes so naturally to thoughtful Americans and American political thinkers.

So the question then arises whether there is any way for the care ethicist to persuade people that we shouldn't think of political rights and justice in the traditional terms, but should reformulate or reconceptualize our thinking about rights in the less familiar coinage of empathic concern and sensitivity. I think there is, and the present essay is going to be my attempt to make a persuasive or strong case for making the change-over, for reconceiving our political ideals along care-ethical lines. Certain other care ethicists have already made efforts to theorize about political values in basically care-ethical terms, but they haven't, I believe, taken on the task I shall be undertaking here. Even if they have been critical of liberalism, they haven't reckoned with the sheer naturalness of conceiving political morality along liberal philosophical lines. They have not tried to show that the familiarity and naturalness, at least for Americans, of thinking of political rights as having a rational and/or intuitive status that doesn't intersect with or depend on empathy, emotion, and caring—they have not specifically attempted to show how and why this natural and traditional approach is normatively inadequate and simply cannot work.³ And that is what I will be seeking to do here.

I am going to begin by focusing on issues from political life where care ethics and liberalism needn't disagree. However, in order to see how and why this can be so, it will be helpful to clarify some terms or concepts that care ethics needs to rely on not only in dealing with political examples but in its "home territory" of personal moral issues. And then we will proceed to the types of cases where care ethics and liberalism disagree, again making use of concepts that care ethics distinctively needs, but now attempting to show how and why this allows care ethics to frame political issues in ways that are superior to anything liberalism can provide. And the most important concept for us to start talking about is empathy.

The word "empathy" didn't exist till the twentieth century, and in fact Hume used the term "sympathy" to refer both to what we would now call sympathy and to what we nowadays think of as

empathy. And just to make sure we are all on the same page, let me say, briefly, that the difference between empathy and sympathy is approximately the difference between Bill Clinton's feeling someone's pain and someone's feeling bad that someone else is in pain and wanting to help them or see them helped. "Empathy" has a broader use than this suggests—e. g., one can take in or absorb another's attitudes or opinions via a kind of empathic osmosis that Hume talks a great deal about. But in any event empathy is important for our purposes here because it is natural to suppose and there is a lot of psychological evidence in favor of the view that caring about others depends on the development of empathy in individuals. (There is some controversy about this idea, too, but I propose to put the controversy to one side for purposes of the present paper.)⁴

Now it is true that we tend to feel more empathy for suffering we perceive than for suffering we merely know about at a distance and more empathy for the suffering of those we know and care about than for the suffering of strangers or people we know less well. And these facts of partiality can make us wonder how or whether we can derive plausible views about rights and justice from considerations concerning empathy and empathic concern for others. However, as the literature on empathy and moral development makes fairly clear, it is possible for fairly mature individuals to feel substantial empathy with and concern for large groups of individuals they don't know personally, and this gives care ethics an entry point for talking about issues of social (or international) justice in terms of empathy and without having to bring in rationalist/liberal notions (or utilitarian or libertarian views) to supplement what it has to say about individual moral obligations and actions. Moreover, even if empathy is inevitably and irrecusably partial, empathy can be cultivated and widened via processes of moral education that the literature on moral development has described in some detail. So let's not too quickly assume that empathy and caring based in empathy are incapable of the task I am setting for them and that, if I am correct, care ethics itself sets for them.

But can a (sentimentalist) care ethics grounded in empathy really deal plausibly with all the different aspects of social or international or legal justice? Some have argued that it cannot and have mentioned the issue of tolerance as a good example of why we need something other than sheer feeling and motivation based in feeling in order to deal with people's rights to religious freedom. It is often held, for example, that religious liberties need to be rationally grounded in autonomy rights because sheer feeling will sometimes lead people not to tolerate religious practices that they find abhorrent or disgusting. And a typical liberal conclusion, then, is that we should fully respect the emotion-independent rights of free worship of those whose religion we strongly dislike and that we show such respect if we tolerate views and practices we dislike out of a conviction or intuition that people have a basic right to have those views and participate in those practices.

But this whole picture is morally distorted. Someone who allows others to worship freely even though they have nothing but disdain for those others or their views *doesn't* show full, genuine respect toward or for those others. It would be much more respectful if one tried to see things from their perspective, if one could muster some empathy for that perspective, and didn't just hate or condemn what the others think or do. Liberals and ethical rationalists believe that justice and rights are tied to respect, but as we have just seen, that assumption, far from supporting rationalism and liberalism, actually works against their political ideals/vision and in favor of a sentimentalist emphasis on empathy and emotion. A care ethics that stresses the moral importance of full empathic concern for others will, therefore, say that there is something wrong with the liberal/rationalist notion of respect and can argue further that if we are as empathic with others as care ethics would have us be, then religious persecution isn't going to happen. All the persecutions that have occurred throughout history have occurred in the absence of an attempt or ability to see things from the point of view of those persecuted, and where this latter empathic disposition *is* present, the rights of free worship and free religious assembly are going to be honored. (I have elsewhere described some science-fiction cases

where one shouldn't let others worship freely, but these exceptions are themselves based in care-ethical considerations.) So I think sentimental care ethics can account for our thinking about justice and respect in this one area better than rationalist liberalism does or can. But we can at least say that both approaches favor granting people, all people, the rights of free religious worship, and for that reason I think the difference or differences between liberalism and care ethics that we have so far described don't in themselves count as a strong or the strongest kind of argument against liberalism.

However, there are also issues of justice and rights concerning the welfare or wealth of members of society. Liberalism assumes (as libertarianism does not) that justice needs to be concerned with some degree of welfarist equality or at least with improving the lot of those who are worst-off in society. But a sentimental care ethics has similar things to say about this issue because of the emphasis it places on empathy. I mentioned earlier that empathy is partial to what is perceived as opposed to what is merely known about, but empathy is also partial to sheer badness. Someone's awful lot in life engages our empathy much more strongly than someone's being in a fairly good position that allows for substantial improvement. And this is another way of saying that empathy favors *compassion over sheer benevolence*. So a care ethics of justice can say that justice requires greater help or aid for those whose welfare condition is bad than for (groups of) those whose condition is simply not wonderful, and this leveling implication sits well with what liberals say and most of us feel about justice.

Finally, care ethics also favors democracy over other forms of government for reasons having to do with empathy and the kind of full respect that requires a willingness and ability to empathize with others. Rulers/leaders in the Far East often say that there is no reason for their states/societies to be governed democratically. Westerners may place a great value on democracy and self-government, but, they say, there are different "Asian values" that actuate people in their own countries. There is a natural

Asian deference to authority that makes democracy much less relevant in the East than it is thought to be by those Westerners who seek to impose their values throughout the world.

Doesn't this remind you of what used to be said about women? It used to be said that women are naturally deferent to men and that that is why it is inappropriate to give them the vote. And this kind of argument works no better for or with Asians than it does for or with women. It is true that after being beaten down by patriarchal/sexist social mores or their own parents over a period of years ("you don't really want to be a doctor, dear, or to go to university; you'd be much happier as a nurse or full-time homemaker"), a girl or woman may end up not thinking for herself and mainly deferring to others. But if their aspirations and ideas are actually listened to, little girls don't become the deferential "angels in the house" that some of them were praised for being during the Victorian era. And there really is no reason to think things are or would be any different with East Asians. (Think about what has been happening in recent years in rural Thailand.) Once again, empathic respect for what the other wants is the key to justice and if people know about the possibility of democracy and aren't browbeaten into denying or devaluing their own desires and aspirations, they will want democracy. And a full empathic concern for them will seek to gratify or fulfill that very understandable human desire. So here, as with various other areas of justice and political thinking, a care-ethical approach is or can easily be consistent with what liberals think and what most of us antecedently believe about what is required by justice and/or our rights as human beings.

But of course in the United States at least, issues of justice are typically framed in terms of rights in a way that seems to have no reference to the sentiments and that seems to reach out for some kind of rationalistic justification. The American "Declaration of Independence" declares that various truths about human rights are self-evident, and this is or is normally seen as an appeal to rational intuition rather than to sentiment. (Can anything be self-evident to our sheer feelings?) So a sentimentalist care-

ethical approach to justice has to say that this normal (American) understanding of justice gets things wrong, puts things on the wrong basis. It has to say that the real source of what is just or unjust (and of corresponding rights) lies in a relation to human empathy. It has to say that such empathy picks out what is appealing about justice in more humane terms than any understanding of rights and justice that relies on (abstract considerations of) reason and is entirely independent of all feeling can allow.

Part of the argument for this conclusion we have already given: we have seen that ideal or complete respect, far from being a matter of honoring abstract rights independently of how we feel, depends on our genuinely empathizing with how others see and feel about things. But there is another reason too for thinking that justice cannot be as ethical rationalists/liberals conceive it. If the rationalists and liberals actually come to mistaken views about particular ranges of practical cases, then the considerations on which they base what they say about those cases cannot be the basic foundational considerations that underlie properly-conceived justice (or rights). And I shall now argue, therefore, that care ethics gives us a better practical/normative answer than liberalism does to certain important political issues and, for that reason, a better account of the foundations of justice, as well.

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Most liberals who have recently spoken of the right of free speech have invoked the roughly Kantian notion of autonomy (e. g., autonomous self-expression) as the basis of that right. And for most cases this seems plausible enough. But liberals use the same notion of autonomy to defend hate speech as a form of free speech, and this leads to controversial results. An example that often comes up in the literature concerns the march and subsequent speech-making that neo-Nazis sought permission for in the 1970's in the town of Skokie, Illinois. Important academic liberals like Ronald Dworkin, Thomas Nagel, and T. M. Scanlon have argued that the autonomy rights that underlie and justify freedom of speech also justify

allowing the neo-Nazis to march and speechify in Skokie (something they never in fact did).⁵ But the neo-Nazis chose Skokie for a reason: it was a town with a large population of Jewish Holocaust survivors, and empathy with those survivors might make us hesitate and more than hesitate to allow the neo-Nazis to march, demonstrate, speechify, etc., in such close and immediate proximity to the survivors.

But the academic liberals, knowing about the Holocaust survivors, nonetheless favored allowing the march, etc., on grounds of (the importance of) rational autonomy. However, these same liberals also tended to see the situation in Skokie in a way that downplays or ignores the effects of the march, etc., on the survivors. Many of us—including care ethicists—would defend free speech that is merely offensive or frustrating to those who hear it; but what the neo-Nazis were proposing to do was likely to do more than offend and frustrate. The sheer knowledge that something like this was going on at such close quarters in their country of supposed refuge from the Holocaust (and the survivors were likely not just to know about the near-by march but to hear some of what was going on with their own ears) would very probably have had a (re)traumatizing effect on some or many of the Holocaust survivors, and this amounts to psychological damage, not mere frustration and offended feelings. But the liberals never mentioned this possibility, and I think this showed a certain lack of empathic sensitivity in their intellectual position. Sure, if the effects would just be offense and frustration, then autonomy considerations would have sufficient force to justify allowing the march. But when actual harm is at issue—and it is important to realize that not all harm is physical—then the weight of empathic and humane considerations seems to me—and has seemed to many feminists and care ethicists—to favor a refusal to let the neo-Nazis march in Skokie rather than somewhere else. The frustration of the neo-Nazis is nothing as compared with the retraumatization of Holocaust survivors. And in that case the liberal/rationalist “autonomy defense” of free hate speech in the Skokie case seems misguided.

Moreover, the wrong answer about the Skokie case seems to come from putting too much emphasis on rational autonomy and not enough on (sensitivity to) human feeling, its causes and effects. So this case (and it really is a range of cases) suggests that justice is better grounded in such feeling than in purely rationalist considerations. And let me now mention another case (or range of cases) that points toward the same conclusion.

In the past and in many jurisdictions even today, judges are reluctant (and the law doesn't readily allow them) to issue restraining orders against husbands or boyfriends who their wives or girlfriends say have threatened them with violence or have already done violent things to them. Often further judicial/legal process is or has been required, and this has often meant that women are (further) injured or even killed before the further process has taken its course. But why has there been so much reluctance to issue the restraining orders (or have the women guarded through additional police patrols, etc.)? In large part it is out of a sense of the importance of autonomy rights of freedom of movement (and assembly). But this means that until very recently (and only in certain jurisdictions at that), the legal/judicial emphasis has been on autonomy rights rather than the welfare (rights) of women, and I think most of us nowadays—and not just feminists and women—would say that the law has erred in placing so much emphasis on autonomy rights and so little on dangers to women (and children).

But the liberal has precious little room to renavigate these waters. To do so is to place more emphasis on welfare than on civil liberties and the committed liberal (e. g., Rawls, as we shall see in just a moment) is likely to be very uncomfortable with doing so. However, if one thinks the basis of morality and justice doesn't lie in abstractly, rationally considered or intuited rights like autonomy and sees these things, rather, in relation to our own human empathic sensitivities to issues and realities of human welfare, one will once again will favor welfare over autonomy. And this is what we nowadays feel is appropriate. We feel that restraining orders and police patrols or bodyguards can be justified much

earlier or much more broadly than traditional political thinking allows, and in the light of its ability to deliver a morally more plausible view of what is called for in cases of threatened or actual abuse, the care-ethical way of grounding its view of such cases and all others is further supported.⁶ So even if most Americans think in terms of rationalistic bases for their own intuitions about justice and rights, a sentimentalist care-ethical account of what is foundationally involved in justice and rights delivers more plausible and acceptable normative judgments about various ranges of practical legal cases. I know of no comparable advantages of the rationalistic approach over the sentimentalist in regard to other cases, and all this, therefore, constitutes a reason to accept a generalized empathy-emphasizing care-ethical theory of rights and justice—and to abandon the traditional liberal way of conceiving these matters.

And let's be clear about the difference here. Rawls's liberal theory of justice, as applied to developed societies, gives basic civil liberties a lexical priority in relation to (what can be seen as proxies for) considerations of welfare, and on any plausible reading of what he says, this means that the neo-Nazis should have been allowed to march and give speeches even if that would have brought a cost of human welfare to the Holocaust survivors in Skokie. It also means that the law and the courts should hesitate or more than hesitate to interfere with the autonomy rights of free movement of accused husbands who have not yet been allowed or subjected to any legal proceeding or trial.⁷ Liberalism in its most famous contemporary instances really does seem to yield the wrong answers to the sorts of questions we have been discussing, and that in itself gives us reason to question its rationalistic emphasis on autonomy (as traditionally conceived) and its whole way of seeing political issues of morality. Our whole country may buy into that way of seeing things, but if that yields normatively unacceptable results, we have to start theorizing about things differently, and I am arguing that care ethics gives us a way of doing so that yields the right normative answers across a wide range of political issues.⁸

Of course, the defender of liberalism might at this point try to find cases that care ethics can't handle and that liberalism can. But that is something I myself have been unable to do, and if the liberal can't do any better, then they should at the very least start worrying about their own views and pay some serious attention to what care ethics can and does say about political morality. And there is another, possibly deeper reason why rationalist/Kantian liberals should worry about their own views, a reason based on what Carol Gilligan, following psychoanalyst Nancy Chodorow, has said about the differing childhood experiences of girls and boys.⁹

Both girls and boys have traditionally been raised by their mothers much more than by their fathers, and this has an asymmetric impact on their development. To meet social or family expectations, boys have had to distance themselves from their mothers in a way that girls traditionally have not, and boys have therefore typically ended up emphasizing and valuing autonomy and separateness and systems of rules of the kind that exist outside the home much more or much more frequently than girls have. But liberalism à la Rawls and Scanlon places great emphasis on autonomy and systems of rules or principles, and to that extent it reflects or at least corresponds to a typical male, rather than a typical female, upbringing.

This ought to give the Kantian/rationalist liberal pause, but never has. There is no sign in the literature of ethics and political philosophy that liberal philosophers like Rawls and Scanlon (or ethicists like Derek Parfit who also place great emphasis on public systems of rules) have taken notice of what Gilligan and Chodorow say about the difference between typical male and typical female upbringings, and if they did, the fact that their philosophical views correspond so closely to what happens in typical male (but not female) development should make them wonder (but would it?) whether their views are more determined by their upbringing(s) as males than by cogent arguments.¹⁰ Of course, even after wondering about this, they might still try to offer good philosophical arguments for liberalism and

against care ethics and other normative views. But to proceed, as these philosophers have, as if the issue of the influence of upbringing (raised by Chodorow and Gilligan) didn't exist seems to me to be wrongheaded or else oblivious in a way that one might describe as academically/intellectually negligent. Alternatively, and using Gilligan's terminology, one could describe this lack of reaction from liberal philosophers as a rather new and distinctively academic instance of men not listening to the voice of women. However, care ethics, precisely because it arose in the context of acknowledging the influence of upbringing, isn't open to this kind of criticism, and this gives us yet another reason to favor it over liberalism.¹¹

Michael Slote

University of Miami

Footnotes

1. See Held's *The Ethics of Care: Personal, Political, and Global*, NY: Oxford University Press, 2006. Held holds that even if valid (liberal) political morality is in important ways independent of caring, it has to be situated within a larger context that embodies the values of caring. But that doesn't, I think, affect the points I am making in the main text. Also, I hope it is clear that the political liberalism I am speaking of here is the Kantian/Rawlsian variety of liberalism, not Millian (or more generally utilitarian) liberalism.

2. *The Ethics of Care and Empathy*: London: Routledge, 2007.

3. Here I am most specifically thinking about what Nel Noddings says about and against liberalism in her *Starting at Home: Caring and Social Policy*, Berkeley: University of California Press, 2002.

4. See, e. g., C. D. Batson's *Altruism in Humans*, NY: Oxford University Press, 2011. In my paper "Egoism and Emotion" (*Philosophia* 41, 2013), I argue that the doubts that have been raised recently about the role of empathy in producing or sustaining altruism are largely misconceived.

5. For references to the work of Dworkin et al. and a much more extensive discussion of this case, see my *op. cit.*, chapter 5.

6. But what if the wife is lying about her husband's having abused or even threatened her? Won't it then be unfair to the husband if the restraining order is issued on her say-so? In that particular instance an injustice will, I agree, have been done, but the issue is one of just administrative or judicial *policy*, and if the lying wife has no previous record of lying to or misleading officials, then the just policy—for reasons having to do with generally ensuring women's safety—will dictate taking her at her word and issuing the (temporary) restraining order. In certain jurisdictions the law allows dogs "one free bite": even if they bark and growl menacingly, they can't be legally sent to the pound, etc., until and unless they have

actually bitten someone. And surely we can and should accord this much scope or leeway to complaining women: one free lie, as it were. In the kinds of cases I am talking about, the interests at stake for wives are more serious than those at risk for husbands, and the care-ethical approach would therefore argue that in all fairness they should trump the (full exercise of the) liberty rights of husbands. The possibility that a wife may be lying for the first time in a judicial proceeding doesn't alter that basic non-equation. However, I am also assuming that any temporary restraining order against the husband won't go on his permanent public record. To make the point I want to make, our case has to be one in which the well-being of the woman is just pitted against the husband's temporary freedom of movement.

7. On the lexical priority of liberty, see Rawls, *A Theory of Justice*, Cambridge: Harvard University Press, 1971, sects. 11, 26, 39, and 82. Rawls never dealt with the Skokie case directly or, as far as I know, with issues of spousal abuse. But what he says about freedom of speech in *Political Liberalism* (NY: Columbia University Press, 1993, pp. 295f.) supports the present interpretation of his views.

Note too that although American liberals (unlike libertarians) typically favor strict or stricter gun control, it seems difficult to reconcile such a view with belief in the priority of the basic liberties (in what Rawls [*Political Liberalism*, p. 297] calls "reasonably favorable conditions"). If liberals are inconsistent on this point and could come to recognize this, then perhaps the sheer moral weight of what favors gun control could lead them away from liberalism and in the sentimentalist direction I have been arguing for here.

8. If we Americans think of our political morality as based in rationally-intuited rights of autonomy that trump other ethical considerations, but at the same time are moving or have moved to normative views about hate speech and violence against women that are inconsistent with such a basis for morality, that shows us not to understand or to have understood ourselves very well. What we have taken to be

paramount (for us) turns out not to be morally paramount (for us) in ways that can only by and large be quite surprising. So the implications of care ethics are eye-opening, but that is only because we have misapprehended, misunderstood what morality, our own morality, is all about. And, if I may say, I think this ignorance is partly of our own doing. Emotion and thinking about emotion makes many or most of us uneasy and even anxious, so the idea that morality is based in empathy-rooted emotion is a deeply unsettling and uncomfortable one. But it is time, I think, for us to face these realities, and all the recent focus on empathy in our culture and our society makes it somewhat more likely that we will do so.

9. See Gilligan's *In a Different Voice: Psychological Theory and Women's Development*, Cambridge: Harvard University Press, 1982. Chodorow's views can be found in *The Reproduction of Mothering*, Berkeley: University of California Press, 1978.

10. See, e. g., John Rawls, *A Theory of Justice*; T. M Scanlon, *What We Owe to Each Other*, Cambridge: Harvard University Press, 1998; and Derek Parfit, *Reasons and Persons*, Oxford: Oxford University Press, 1984; and also *On What Matters*, 2 vols., Oxford: Oxford University Press, 2011. All these philosophers (even Parfit in *On What Matters*) are influenced by Kant, but it is worth noting that recent female neo-Kantians—e. g., Onora O'Neill, Barbara Herman, Marcia Baron, and Christine Korsgaard—don't place the same emphasis on systems of rules that male neo-Kantians do. Again, this is something that seems fairly predictable, so I think we all should pay more attention to and worry about issues of psychological origin.

11. The idea that a view's origins can be relevant to assessing our reasons for believing it is a familiar theme in the work of Bernard Williams and has also been advocated by Alison Jaggar, by me, and by other feminists.