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THE ETHICS OF CARE AS A FEMINIST CRITIQUE OF KANTIANISM, UTILITARIANISM AND LIBERALISM

Abstract

In the paper, I discuss ethics of care as a feminist critique of Kantianism, utilitarianism and liberalism. The critique focuses on justice, rationality, individualism and the free market. The perspective taken by the proponents of the ethics of care is based on emotions, sensitivity and empathy. The ethics of care is based on the life experiences of women, while the ethics appealing to logic grows out of the experiences of men. The ethics of care focuses on relations, while traditional ethics refers to rules, norms and rights. It considers relations between family members or friends, based on care, as crucial for the whole society. From that point of view, the ethics of care criticizes liberalism which splits human life into two separate spheres – private and public.

KEYWORDS

care, justice, emotions, rationality, reason, individualism

SŁOWA KLUCZOWE

troska, sprawiedliwość, emocje, racjonalność, rozum, indywidualizm

INTRODUCTION

Contrary to Kant's view that women, like children and servants, are not independent entities, being 'passive citizens',¹ and thus are unable to participate actively in political life, an increasing number of women not only participate in political life but also play important roles in it. At the same time, women perceive public life differently than men.

A feminist approach to ethics, as well as to politics, is the one that above all seeks good, not moral reasoning; feeling, not rationality. As such, it is directed against Kantianism, utilitarianism and liberalism. Kantian and utilitarian ethics are theories that appeal to universal and abstract laws; in the case of Kant this is the categorical imperative, and in the case of utilitarianism, it is the principle of utility. Kantianism emphasizes the autonomy of the moral agent, which is the basis of the freedom and dignity of a man as a rational being; utilitarianism, on the other hand, refers to the rational calculation of interests or of happiness in order to justify one's actions. In both cases, the moral agent is treated as individual, independent, impartial and rational. Liberalism adds to this set of values the concept of justice and the concept of the free market. Feminist ethics, including mainly the ethics of care, is situated in opposition to these concepts.

1. KANTIANISM

The starting point of Kantian ethical considerations is the vision of a man as a rational being,² simultaneously inhabiting two worlds: the world of the "starry sky above me" and the "moral law within me". Man is thus simultaneously an inhabitant of the natural world and the intelligible world. In the former, he is subject to empirically determined laws; in the latter, his will acts only according to the presentation of laws.³ Moreover, in the former, reason, being subject to laws, is not autonomous, while in the latter it is. Autonomy here means at the same time being a lawgiver in itself and an independent unit of the whole world of the senses and thus of empirical motives. It is the autonomy of pure practical reason, that is of our will, as purely rational beings. The will in Kant's ethics is motivated not materially but formally, with its only motive, one possessing a moral character,

¹ Kant, <https://www.academia.edu/34232510/> (accessed 18 February 2023).

² As Kant writes, "rational nature exists as an end in itself". I. Kant, *Groundwork of the Metaphysics of Morals*, (transl. and edited by M. Gregor), Cambridge 1998, p. 37.

³ "The will is thought as a capacity to determine itself to acting in conformity with the *representation of certain laws*". *Ibidem*, p. 36.

being the formal motive. This takes the form of the categorical imperative: "The representation of an objective principle, insofar as it is necessitating for a will, is called the command (of reason), and the formula of the command is called an imperative".⁴ The only moral motivation, according to Kant, is respect for one's duty, "which would often require self-denial".⁵ As Kant states:

For the pure thought of duty and in general of the moral law, mixed with no foreign addition of empirical inducements, has by way of reason alone (with which this first becomes aware that it can of itself also be practical) an influence on the human heart so much more powerful than all other incentives, which may be summoned from the empirical field, that reason, in the consciousness of its dignity, despises the latter and can gradually become their master; on the other hand a mixed doctrine of morals, put together from incentives of feeling and inclination and also of rational concepts, must make the mind waver between motives that cannot be brought under any principle, that can lead only contingently to what is good and can very often also lead to what is evil.⁶

Kant therefore rejects all emotional motives of the will and treats them as extra-moral motivations. Aware that they determine almost entirely our moral behavior, he does not believe that they can constitute the basis of morality understood as the metaphysics of morality.⁷ In the latter, the basis must be pure practical reason, which "independently of all appearances, commands what ought to happen" and which determines "the will by means of a priori grounds".⁸

According to A.M. Kaniowski, Kant's ethics can be characterized as rationalist, deontological, formalist and universalist:

By defining Kant's ethics as rationalistic, we shall oppose it to emotivism and ethics according to which feelings, not reason, lie at the basis of moral judgments and deeds. "As deontological ethics, it is contrasted with ethics for which the starting point for evaluating deeds are the consequences of actions and not their conformity with the (rational) law. Formalism, in turn, is to be understood as distancing oneself from teleological ethics, which evaluates an act or a maxim from the point of view of the realized good that constitutes the motive determining the will, while for Kant this motive or reason determining pure will is to be 'only the form of law itself'. By describing Kant's ethics as universalistic, we want to underline – while distinguishing

⁴ *Ibidem*, 24. Kant distinguishes two kinds of imperatives: hypothetical (problematic and assertoric) and categorical (apodictic). We are dealing with the latter "if the action is represented as *in itself good*, hence as necessary in a will in itself conforming to reason, as its principle ...". *Ibidem*, p. 25.

⁵ *Ibidem*, p. 20.

⁶ *Ibidem*, pp. 22-23.

⁷ "Hence everything empirical, as an addition to the principle of morality, is not only quite inept for this; it is also highly prejudicial to the purity of morals, where the proper worth of an absolutely good will – a worth raised above all price – consists just in the principle of action being free from all influences of contingent grounds, which only experience can furnish". *Ibidem*, p. 35.

⁸ *Ibidem*, p. 20.

the Kantian position from approaches that consider that the source of binding force is always a particular community or particular psychological motives – that in order to determine what is truly moral, we must abstract from all empirical circumstances and imperfections, looking at what would be the duty from the point of view of all possible rational beings.⁹

All these features will be the subject of criticism by feminist-oriented theories.

2. UTILITARIANISM

Utilitarianism is the view that happiness¹⁰ or well-being is the highest human good and that what must be taken into account in evaluating an act are its consequences, which must satisfy the condition of utility. In this respect, utilitarianism differs from two competing ethical theories, namely Aristotelianism and Kantianism. For Aristotle, the determinant of the value of an act was the person, namely their character, while for Kant it was the intention, in this case, respect for one's duty. Utilitarians therefore postulate that the individual welfare of individuals should be maximized and that this should be done as extensively as possible, that is with equal concern for all. Maximizing individual well-being means, for some utilitarians, maximizing rational desires.¹¹ Therefore, we should produce effects that satisfy the greatest number of (rational) desires among the members of our society.

Utilitarianism, however, is insensitive to the special relationships that people have with each other; for what matters is the sum of the desires satisfied, not their distribution. In particular, the utilitarian may, in the name of increasing the total sum of utility in the society, be unwilling to honor past obligations (for if I decide that the money I owe someone can be put to my better use than my creditor's, thereby increasing utility in the world, then I can keep it for myself).¹² Utilitarianism thus completely ignores the relationships we have with other people:

⁹ A. M. Kaniowski, *Filozofia praktyczna Immaunela Kanta – jej siła i słabości*, "Diametros" 2004, No. 2, pp. 124-125.

¹⁰ The founder of utilitarianism, Jeremy Bentham, reduced happiness to pleasure and believed that there are no differences between pleasures other than the quantitative ones. He expressed this principle by saying that "Prejudice apart, the game of push-pin is of equal value with the arts and sciences of music and poetry". *The Rationale of Reward*, (in:) *The Works of Jeremy Bentham*, J. Bowring (ed.) Vol. I, Vol. II, Edinburgh 1830-43, p. 253.

¹¹ This will not always constitute a game of push-pin, therefore, even if it gives more pleasure than writing poetry.

¹² This way of thinking is characteristic of the so-called act utilitarianism. Rule utilitarians (rule utilitarianism) would argue that rules that have demonstrated their usefulness to society should be followed. Thus, rule utilitarians would argue that it is worthwhile to fulfil obligations because such an attitude contributes to the welfare of society.

being a husband, wife, child, father, mother, friend, etc., and the kind of emotional involvement that occurs in them. As the critic of utilitarianism W.D. Ross wrote:

The essential defect of the 'ideal utilitarian' theory is that it ignores, or at least does not do full justice to the highly personal character of duty. If the only duty is to produce the maximum of good, the question who is to have the good – whether it is myself or my benefactor, or a person to whom I have made a promise to confer that good on him, or a mere fellow man to whom I stand in no such special relation – should make no difference to my having a duty to produce that good. But we are all in fact sure that it makes a vast difference.¹³

The utilitarian agent appears as a rootless individual whose only plan in life is to take actions that maximize universal utility. On the other hand, such an agent cannot enter into deeper relations with others because he assumes that everyone has an equal right to the benefits resulting from his actions. Critics of utilitarianism emphasize that "the basic bearer of value in Utilitarianism is the *state of affairs*"¹⁴ and not the person. As such, utilitarianism contradicts our intuition that people, and not states of affairs, are the carriers of moral values. In particular, this concerns those close to us.

3. POLITICAL LIBERALISM

Political liberalism is the view that liberal laws and practices should be justified by reference to rationales and values that are reasonably recognized by all citizens. They are therefore not based on any controversial moral, religious or metaphysical ideal of a good life, i.e. the so-called comprehensive or sweeping doctrine. Such a doctrine, Rawls writes, "covers the *major religious, philosophical, and moral aspects of human life* in a more or less consistent and coherent manner"¹⁵ and that "Political liberalism assumes that, for political purposes, a plurality of reasonable, yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime".¹⁶

The starting point of liberal political concepts is the concept of justice. "*Justice is the first virtue of social institutions, as truth is of systems of thought,*" writes Rawls.¹⁷ Indeed, it is assumed here that justice is public, while good is private. Moreover, justice is not discovered but constructed through general reflec-

¹³ W. D. Ross, *The Right and the Good*, Oxford 1930, p. 22.

¹⁴ B. Williams, *Moral Luck*, Cambridge 1981, p. 4.

¹⁵ J. Rawls, *Political liberalism*, Berkeley 1993, p. 58.

¹⁶ *Ibidem*, p. XVI.

¹⁷ J. Rawls, *A Theory of Justice*, Cambridge, Mass. 1999, p. 3.

tion. It does not have any metaphysical foundation, nor does it derive from any extensive or comprehensive doctrine, that is, one behind which there are strong convictions about a certain vision of the world and a system of values. The focus of liberal concepts is not primarily justice as a virtue but as a feature of the social order. According to Rawls, justice understood in this way emerges as a result of the deliberation of individuals who are in the so-called original position. Rawls assumes that in this situation, which is hypothetical in nature, rational individuals will formulate abstract and universal principles concerning justice. Rationality, Rawls insists, “must be interpreted in the narrow sense, standard in economic theory, of taking of the most effective means to given ends”.¹⁸ These would be the principles that assign “basic rights and duties and determine the division of social benefits”.¹⁹ Rawls refers to the principles so defined as ‘justice as fairness’.²⁰ He is convinced that individuals in the original situation will choose two principles of justice, “The first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example, inequalities of wealth and authority, are just only if they result in compensating benefits for everyone and, in particular, for the least advantaged members of society”.²¹ These principles are procedural in that, “No attempt is made to define the just distribution of goods and services on the basis of information about the preferences and claims of particular individuals”.²² Justice is thus insensitive to the individual endowments of individuals and to the relations in which they remain with each other.

Also central to liberalism are the concepts of reason and rationality. Rawls, in distinguishing the two, refers to the Kantian distinction between the categorical imperative, to which the category of reasonableness would correspond, and the hypothetical imperative, which would be identified with the category of rationality. Reasonableness is associated with the concept of justice and rationality with the concept of good. Reasonableness concerns the public sphere and rationality the private sphere. The division between these two spheres is one of the main features of liberalism. Reasonableness is, for Rawls, a virtue expressed in the fact that those possessing it “are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given assurance that others will likewise do so”.²³ The people he considers unreasonable are those who “plan to engage in cooperative schemes but are unwilling to honor, or even to propose, except as a necessary public pretense, any general principles or standards for specifying fair terms of cooperation. They are ready to violate such terms as

¹⁸ *Ibidem*, p. 12.

¹⁹ *Ibidem*, p. 10.

²⁰ *Ibidem*, p. 11.

²¹ *Ibidem*, p. 13.

²² *Ibidem*, p. 267.

²³ J. Rawls, *Political liberalism*, *op. cit.*, p. 49.

suits their interests when circumstances allow”.²⁴ Rationality, on the other hand, is a category applicable to an individual pursuing his own interests and life goals. What distinguishes reasonableness from rationality, according to Rawls, is “the particular form of moral sensibility that underlies the desire to engage in fair cooperation as such and to do so on terms that others as equals might reasonably be expected to endorse”.²⁵ In a reasonable society, Rawls insists that, “all have their own rational ends they hope to advance, and all stand ready to propose fair terms that others might reasonably be expected to accept, so that all may benefit and improve on what everyone can do on their own”.²⁶ Rawls also writes about public reason, which he defines as “the reason of equal citizens, who, as a collective body, exercise final political and coercive power one over another in enacting laws and in amending their constitution”.²⁷

Rawls shares the Enlightenment belief that it is possible to find moral and political principles that can be accepted by all rational individuals. In Kantian terms, he identifies autonomy with the use of reason, on which principles of justice must be based. Autonomy, in turn, makes possible the reflection by which certain moral and political laws, including, in particular, those concerning justice, are established. “Rational autonomy (...) rests on persons’ intellectual and moral powers. It is shown in their exercising their capacity to form, revise and pursue a conception of the good and to deliberate in accordance with it”.²⁸ Rawls also introduces the concept of full autonomy, which he defines as a political rather than an ethical value as follows: “full autonomy is realized by citizens when they act from principles of justice that specify fair terms of cooperation they would give to themselves when fairly represented as free and equal persons”.²⁹

Liberalism is traditionally associated with individualism, i.e. the belief that the individual is the ultimate reference point in social relations and is the bearer of all rights and entitlements. The individual pursues the concept of the good life and thus strives for self-realization, or, to use a neo-Aristotelian term, for development towards his own perfection. This development takes place under the conditions set by the free market, i.e. voluntary exchanges between adult and conscious individuals. The free market “is consistent with equal liberties and fair equality of opportunity”.³⁰ Individualism is often equated by its critics with selfishness and, as something unethical, thus rejected.

²⁴ *Ibidem*, p. 50.

²⁵ *Ibidem*, p. 51.

²⁶ *Ibidem*, p. 54.

²⁷ *Ibidem*, p. 214.

²⁸ *Ibidem*, p. 72.

²⁹ *Ibidem*, p. 77.

³⁰ J. Rawls, *A Theory of Justice*, *op. cit.*, pp. 240-241.

4. THE ETHICS OF CARE AS A FEMINIST ETHIC

As Held points out, the history of contemporary care ethics is the history of recent developments in feminism.³¹ Although the ethics of care is seen as a feminist system of ethics, not every feminist ethical system constitutes the ethics of care.³² What defines the ethics of care as a feminist system of ethics is its opposition to seeing social and political reality from a male point of view. As Nel Noddings writes:

One might say that ethics has been discussed in the language of the father: in principles and propositions, in terms such as justification, fairness, justice. The mother's voice has been silent. Human caring and the memory of caring and being cared for, which (...) form the foundation of ethical response, have not received attention except as outcomes of ethical behavior. One is tempted to say that ethics has so far been guided by Logos, the masculine spirit; whereas a more natural and, perhaps, stronger approach would be through Eros, the feminine spirit.³³

The ethics of care grows out of the life experiences of women, while the ethics appealing to logic grows out of the experiences of men. It is not, as Noddings points out, that women are incapable of logical reasoning and drawing moral conclusions. Being able to do so, women consider it a secondary issue; in situations of moral dilemma, they seek more information to empathize with the situation.³⁴ To empathize with a situation means to empathize with another person.³⁵ Women do not approach moral issues in a formal way but try to empathize as much as possible with the situation in order to make the best moral decision.³⁶

Virginia Held states that "Rather than seeing morality as a struggle between individual self-interest and impartial universal principles, care ethics focuses on the region between the individual self and the universal 'all rational beings'",³⁷ before going on to list several features of the ethics of care.

³¹ V. Held, *The Ethics of Care*, Oxford University Press 2006, p. 22.

³² For example, liberal feminists try to extend the relations of liberal society (contracts between rational individuals) to relations in areas such as education, health care, the family. Thus, they try to seek equality by transferring male ethics to all areas of life. (Marriage would thus be a contract between two adults defining the extent of their rights and responsibilities).

³³ N. Noddings, *Caring. Feminine Approach to Ethics and Moral Education*, Berkeley 1984, p. 1.

³⁴ *Ibidem*, p. 2.

³⁵ Empathy must actually involve putting yourself in the other person's situation, not just looking at it from their point of view. "Suppose", writes Noddings, "for example, that I am a teacher who loves mathematics. I encounter a student who is doing poorly, and I decide to have a talk with him. He tells me that he hates mathematics. *Aha*, I think. *Here is the problem. I must help this boy to love mathematics and then he will do better at it*". But then, Noddings stresses, "I am not trying to grasp the reality of the other possibility for myself. I have not even asked: *How would it feel to hate mathematics?* Instead, I project my own reality onto the student and say, *You will be fine if you only learn to love mathematics*". *Ibidem*, p. 15.

³⁶ *Ibidem*, p. 8.

³⁷ V. Held, *op. cit.*, p. 129.

Firstly, the ethics of care focuses on the needs of those for whom we have responsibility. It recognizes that people are interdependent for many years of their lives. It, therefore, opposes any morality based on the autonomy, independence and rationality of individuals. It also opposes the relegation of care outside of morality. Secondly, in judging what is morally best, the ethics of care values the importance of emotions and considers any moral consideration based on reasoning and deduction to be incomplete. The ethics of care should include emotions in its spectrum and subject them to analysis and evaluation. Thirdly, the ethics of care rejects the assumption that the more abstract the moral reasoning, the greater the impartiality. It focuses on the relationship with concrete human beings and limits the application of universal principles only to certain domains, such as law.³⁸ It does not consider that relations between family members or friends, as those relations do not fulfill the condition of impartiality, must be excluded from the field of ethics.

The ethics of care, as Held points out, is straddled between egoism and humanitarianism. Those who care for others are not primarily pursuing their own interests, but the interests of those they care for. This concern always has a concrete dimension and is not a concern for the world or humanity. A person who cares for others is neither selfish nor altruistic.³⁹ Noddings believes that a relation is something ontologically basic, and that the meeting of individuals and their reactions are something fundamental to human existence.⁴⁰ As Held writes, caring is both a value and a practice.⁴¹

The ethics of care, as Held notes, also possesses, as with rationalist ethics, a universalist character – it appeals to a universal feeling of care. The ethics of care treats men, women and children equally as human beings and moral subjects.⁴² At the same time, it emphasizes the importance of women's moral experience based on love, care and empathy; an experience which was not recognized by the followers of Kantianism and utilitarianism (according to Kant, a moral act is one that is done out of obligation, not out of love or inclination).⁴³ Rather, it was seen as “natural and instinctual” and as such irrelevant to rational moral decisions: “In its more developed forms, the ethics of care as a feminist ethic offers

³⁸ *Ibidem*, pp. 10-11.

³⁹ Gilligan introduces a three-stage model of moral development; the first stage is that of egoism, the second that of altruism, and the third that of balance. In between these stages, there are transitional stages: the transition from egoism to responsibility for others and the shift in emphasis from kindness to truth and honesty in one's relationships with others; C. Gilligan, *In a Different Voice*, Cambridge 1982, pp. 64-105.

⁴⁰ N. Noddings, *op. cit.*, pp. 3-4.

⁴¹ V. Held, *op. cit.*, p. 9.

⁴² *Ibidem*, p. 58.

⁴³ As Annette Baier writes: “When Kant concludes ‘so much the worse for women’, we can state ‘so much the worse for the male fixation on the special skill of drafting legislation for the bureaucratic mentality of rule worship, and for the male exaggeration of the importance of independence versus mutual interdependence’”. A. Baier, *Moral Prejudices*, Cambridge 1995, p. 2.

suggestions for the radical transformation of society. It demands not just equality for women in existing structures of society, but equal consideration for the experience that reveals the values, importance and moral significance, of caring".⁴⁴ Held proposes extending maternal relations to the whole of society. As she writes: "(...) the value of caring that can be seen in such activities as mothering is just what must be extended, but less intense but not entirely different forms, to fellow members of societies and the world".⁴⁵

The ethics of care as a feminist ethic abolishes the distinction between public and private spheres, characteristic of liberalism. It rejects the liberal demand of non-interference of the state in the private sphere. "Feminists have shown", Held emphasizes, "how the greater social, political, economic and political power of men, has structured this 'private' sphere to the disadvantage of women and children, rendering them vulnerable to domestic violence, without outside interference, often leaving women economically dependent on men and subject to a highly inequitable division of labor in the family".⁴⁶ Dominant ethical theories viewed the public sphere as having moral validity, while denying it to the private sphere, which is the domain of family and friendship relations.⁴⁷

Ethicists of care are convinced that a masculine ethic based on justice, together with liberal profit-oriented economics, lead to social conflict. Instead, they propose a society of caring individuals, not only within the family. Caring is to become a public matter, while the ethics of care is not to be seen as merely 'family ethics' or a 'private ethics'.⁴⁸ In effect, they propose a radical restructuring of society. "Just imagine," writes Held, "reversing the salaries of business executives and babysitters".⁴⁹

Held, while appreciating the issue of women's rights raised by feminists, believes that "a relation of social connection, or a caring relation, is normatively prior and has priority over an acknowledgment of rights. We ought to respect the human rights of all persons everywhere, but first of all we ought to develop in everyone the capacity for and the practice of care about all others as human beings like ourselves".⁵⁰ Held maintains that only in a society based on relations of care is it possible for rights to function.

Noddings, on the other hand, stresses that rule-based ethics distances individuals from each other, while the relationship-based ethics of care brings them closer.⁵¹ She also rejects the postulate of universality of principles and thus of moral

⁴⁴ V. Held, *op. cit.*, p. 12.

⁴⁵ *Ibidem*, p. 89.

⁴⁶ *Ibidem*, p. 12.

⁴⁷ *Ibidem*, p. 13.

⁴⁸ *Ibidem*, p. 18.

⁴⁹ *Ibidem*, p. 64.

⁵⁰ *Ibidem*, p. 125.

⁵¹ N. Noddings, *Caring. Feminine Approach to Ethics and Moral Education*, Berkeley 1984, p. 5.

behavior. Noddings does not agree with the principle of universality stating that if A faces conditions X and must act in an Y way, then B acting under the same conditions (X) is forced to act in the same way (Y). Noddings emphasizes that the focus should not be on judgments and concrete actions, but on moral relations with another person, showing their uniqueness rather than universality. Noddings sees universality in the accumulated memories of care one has experienced.⁵²

Held criticizes the pervasive free market philosophy, pointing out that more and more areas of social life are being appropriated by the free market, i.e. privatized and commercialized. Held mentions education and health care above all, and consistently opposes the commodification and marketization of care.⁵³ As she notes, "We can and should recognize many values of things or activities, other than their market value".⁵⁴ If we make certain activities and things a commodity, we consistently apply market norms and rules to them. Everything can be marketized – from individual talent to the government, which can be treated as a market entity pursuing its goals. In the market approach, all human relations are of an exchange nature and as such are subject to the requirements of the free market. Thus, all social ties are marketized; everyone becomes a customer or an entrepreneur. There is no longer any place for disinterestedness and caring. Held postulates that when valuing things, one should take into account their intrinsic value and not their instrumental or utilitarian value. This applies in particular to all those activities which are connected with caring for another person or persons. The value of such care would consist, according to Held, in the appreciation of persons, e.g. children, who are the object of care. Therefore, as Held postulates, this work should be properly rewarded, but not based on market or exchange value, which are the least relevant in this case.⁵⁵ She believes that some work, although paid, is not primarily market-based. This is the case with teaching or medical care, whose purpose is to help the community and not provide economic profit. Held draws attention not to whether particular work is paid or not, but to whether the values that underpin it are market-based or some other kind.⁵⁶ Here Held cites the example of a non-profit institution caring for children and a similar for-profit institution. Only in the former case, Held states, will childcare be treated properly, while in the latter it will be treated only instrumentally because of its market value. The market, according to Held and other feminists, intensifies and promotes attitudes of self-interest because of its economic orientation. Self-interest is contrasted by the proponents of the ethics of care with a caring attitude whose value is measured in moral rather than economic terms.

⁵² *Ibidem*.

⁵³ V. Held, *op. cit.*, p. 109.

⁵⁴ *Ibidem*.

⁵⁵ *Ibidem*.

⁵⁶ *Ibidem*, p. 111.

Held finds no support for her postulates either in Kant's ethics of the categorical imperative or in utilitarian calculation maximizing individual preferences. Indeed, she states that "liberal individualism, then whether Kantian or utilitarian, provides inadequate grounds for limiting the extension of the market".⁵⁷ She believes that the free market contract approach is incapable of guaranteeing positive rights to individuals, particularly the vulnerable. Such an approach requires "valuing and developing distributive justice".⁵⁸

The concept that unites Kantianism, utilitarianism and liberalism is that of justice – as a masculine virtue.⁵⁹ The ethics of care emphasizes interpersonal relationships and mutual understanding; the ethics of justice stresses the importance of rational action based on abstract principles.⁶⁰ At the centre of the ethics of care is the individual who, together with others, sustains and creates new relationships. While the ethics of justice justifies a society in which corporations, the armed forces, the government and the law take priority, the ethics of care emphasizes child rearing, education and care:

The ethics of justice focuses on fairness, equality, individual rights, abstract principles and the consistent application of them. The ethics of care focuses on attentiveness, trust, responsiveness to the need, narrative nuance and cultivating caring relations (...) Whereas justice protects equality and freedom, care fosters social bonds and cooperation.⁶¹

Gilligan proposes that the ethics of care and the ethics of justice should be considered as complementary perspectives. She maintains that the issue of abortion can be considered either in terms of the relationship between the unborn child and its welfare and the mother, or in terms of the rights held by the woman in relation to the fetus and her body. The problem with this approach, as Held points out, is that it does not indicate what to do in conflict situations, i.e. which approach to choose.⁶²

⁵⁷ *Ibidem*, p. 119.

⁵⁸ M. Uliński, *Etyka troski i jej pogranicza*, Kraków 2011, p. 108.

⁵⁹ Undoubtedly, L. Kohlberg's research and analysis contributed to such a perception of justice. Kohlberg, studying human moral development, came to the conclusion that this process runs from egoism to justice, and that boys, due to their ability of abstract thinking, have greater ease in reaching this goal. See L. Kohlberg, *From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development*, (in:) T. Mischel (ed.), *Cognitive Development and Epistemology*, New York-London 1971; *idem*, *Moral Stages and Moralization. The Cognitive-Developmental Approach*, (in:) T. Lickona (ed.), *Moral Development and Behaviour*, New York 1976; *idem*, *Essays on Moral Development, Vol. I: The Philosophy of Moral Development*, San Francisco 1981. Kohlberg's conclusions were challenged by C. Gilligan in her work *In a Different Voice*, *op. cit.*

⁶⁰ V. Held, *op. cit.* p. 62.

⁶¹ *Ibidem*, p. 15.

⁶² *Ibidem*, p. 62.

The feminist approach stresses the injustice experienced mainly by women, being used for domestic and care work. Held is against incorporating the ethics of justice into the ethics of care or vice versa, "Equitable care is not necessarily better caring, it is fairer caring".⁶³ She believes that a complete ethical theory should, while preserving their distinctiveness, take both approaches into account. She also argues that the two approaches should be conceptually distinguished from each other and assigned spheres in which they take precedence. For example, in the sphere of law, this would be justice while not overlooking care, whereas in the sphere of family life this would be care together with justice.⁶⁴ Held, however, warns against treating the ethics of justice as a panacea for all moral problems.⁶⁵ She advocates extending the ethics of care to the public sphere. In her view, we cannot do without relations of care on the private level, as well as on the social and political level.⁶⁶ However, care should not replace justice, just as justice should not replace care. A society that gives priority to the self-interest of individuals at the economic or political level will not function well. A well-functioning society, and thus individuals, will only be possible if we recognize the moral value of human relationships based on care. Relationships based on care will reduce political pressure and conflict, as well as market competition.

However, Held believes that care is a more fundamental value. As she states, "There can be care without justice. (...) There can be no justice without care, however, for without care no child would survive and there would be no persons to respect".⁶⁷ She is convinced that the relationship of care has a broader scope than justice. Care seems to be the most basic moral value. "When in society", Held stresses, "individuals treat each other with only the respect that justice requires, but no further consideration, the social fabric of trust and concern can be missing or disappearing".⁶⁸ At the same time, she recognizes the importance of justice and rights in one's moral life, including one's private life. The role of justice cannot be overlooked when it comes to the division of domestic responsibilities or the protection of the weak from domestic violence. Justice is also useful in conceptualizing issues such as law, fiscal policy, commercial transactions or basic human rights. However, as Held points out, in the case of childcare we require more than simply guaranteeing children's human rights. Held also rejects the liberal demand that there would be a division of 'influence' between the ethics of care and the ethics of justice. Justice would dominate the public sphere, while care would dominate the private sphere.⁶⁹ For this all depends on the perspective adopted; the

⁶³ *Ibidem*, p. 16.

⁶⁴ *Ibidem*, p. 17.

⁶⁵ *Ibidem*.

⁶⁶ *Ibidem*, p. 136.

⁶⁷ *Ibidem*, p. 17.

⁶⁸ *Ibidem*, p. 71.

⁶⁹ *Ibidem*, p. 69.

need to care for the needy can be considered either from the perspective of the care that the state should provide for its weakest citizens, or from the perspective of positive rights, the correlative of which are the positive duties of the state towards its citizens.⁷⁰

For the proponents of the ethics of care, moral reflection is a matter of feelings and emotions, whereas for the proponents of the ethics of justice, it is only a matter of reason. The former maintain that reason and rationality should not be the only or main determinants of social and political life. They therefore propose to include care in the public sphere and to treat it not as an arena for the struggle of individuals competing with each other in the free market, but as a meeting ground for individuals who care about each other and, last but not least, are also fairly rewarded for their care.

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⁷⁰ *Ibidem*, pp. 69-70.