

2019-07-26

Care Ethics: Morality with no Responsibility

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UNIVERSITY OF MIAMI

CARE ETHICS: MORALITY WITH NO RESPONSIBILITY

By

Haley Mathis

A DISSERTATION

Submitted to the Faculty
of the University of Miami
in partial fulfillment of the requirements for
the degree of Doctor of Philosophy

Coral Gables, Florida

August 2019

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CARE ETHICS: MORALITY WITH NO RESPONSIBILITY

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Care Ethics: Morality with no Responsibility

(Ph.D., Philosophy)
(August 2019)

Abstract of a dissertation at the University of Miami.

Dissertation supervised by Professor Michael Slote.
No. of pages in text. (217)

Most of us assume we have free will and that we make free decisions all of the time. Yet, philosophers and scientists have provided significant worries about making this assumption. What I want to know, in this project, is how these debates (and the uncertainty and contentious nature of these debates) bear on normative moral theories about what makes an action right or wrong. I will argue that we should still be able to understand morality, regardless of whether it turns out we have free will or not. The challenges facing the free will debate just shouldn't be a challenge for a normative moral theory as well. Specifically, I will argue that Care Ethical Theory is particularly suited to explaining important moral concepts, such as respect, the reactive attitudes and punishment, without making any assumptions about the existence or the absence of free will or moral responsibility. Care Ethics can say everything we want to say about these concepts while remaining agnostic about the entire contentious free will and moral responsibility debate.

To my parents, and my husband, Morteza.

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Chapter 1

Introduction

Most of us assume we have free will and that we make free decisions all of the time. Yet, philosophers and scientists have provided significant worries about making this assumption. The debate about whether we are really justified in believing we have free will is far from settled. This is not the question I seek to answer here. What I want to know, in this project, is how these debates (and the uncertainty and contentious nature of these debates) bear on normative moral theories about what makes an action right or wrong.

I want to argue that we should still be able to understand morality, regardless of whether it turns out we have free will or not. The challenges facing the free will debate just shouldn't be a challenge for a normative moral theory as well. As such, I think that we need a theory of what makes an action right or wrong, which does not rely on any assumptions about free will, desert, or moral responsibility. I think we should be able to remain 'moral responsibility agnostic' and 'free will agnostic' and still be able to make sense of moral theory.

I use the term 'moral responsibility agnosticism' and 'free will agnosticism,' and by it, I mean a few things. First, a moral theory is 'free will and moral responsibility agnostic' when the theory itself makes no assumptions about moral responsibility or free will in order to be true. Second, a theory is 'free will and moral responsibility agnostic' when it explains why a person themselves can remain agnostic about free will and moral responsibility, and still be motivated and obligated to act morally. That is, the theory itself should not rely on assumptions about moral responsibility or free will in order to be

true, and the moral theory should explain morality without people needing to hold any beliefs or feelings (whether they turn out to be true or false) about freedom or responsibility.

First, clearly many who hold certain views in the free will or the moral responsibility debate might find agnosticism about moral responsibility and free will to be an advantage. For instance, Hard Determinists, Hard Incompatibilists, Free Will Skeptics, and Moral Responsibility Skeptics¹ all doubt the existence of free will and/or deny the idea that we can properly be considered morally responsible agents. Those who hold these views still want to understand and make sense of normative ethical theory. As such, those who hold any of the views mentioned above, or closely related views, may find what I have to say interesting.

For the rest of this project, I will refer to this group of positions, which argue that we should be positively skeptical of moral responsibility, altogether as moral responsibility skeptics. This is a stronger position than mine. It is a skeptical position rather than an agnostic position. Also, notice this position might include those who worry that we can be responsible because we probably don't have free will, *and* those who doubt that we can properly be considered responsible agents because of the fact that there is so much moral luck. As such, I don't call it simply 'free will skepticism,' but rather 'moral responsibility skepticism.'

However, I want to argue that the advantage of moral responsibility agnosticism is for more than just the moral responsibility skeptics. I think, if a moral theory can remain agnostic about these issues, it is an advantage no matter what view you take in the

¹ Gregg Caruso, "Skepticism About Moral Responsibility," *The Stanford Encyclopedia of Philosophy* (Spring 2018 Edition), Edward N. Zalta (ed.).

free will debate, or what theory of moral responsibility you hold. This is an advantage if, like me, you feel the weight of good arguments on both sides of the debate, you are unsure, and you are left wanting to stay agnostic on this contentious issue. I'd still like to understand and operate under the right moral standards and lead a morally good life, but I don't want to take a stand or rely on any assumptions about whether we have free will nor which theory of moral responsibility is correct. In other words, my view is distinct and not as strong as the moral responsibility skepticism view.

Philosophers have long wanted normative ethical theories that hold up regardless of how we answer metaphysical questions about the existence of God. Philosophers think that it is an advantage for a moral theory of right and wrong action to be able to remain agnostic about the existence of God. This is because many philosophers deny the existence of God, and others would like to be able to remain agnostic about the entire issue, because they are just unsure where they stand. Moreover, most philosophers think it is absurd if a normative moral theory holds that a person must have a belief in God (whether the belief is true or false) in order to be motivated or obligated to act morally according to their theory. Don't we all have atheist friends who still seem to have moral motivation? In fact, even those who believe in God, think it is a stronger theory if it explains our normative obligations and motivations without needing to rely on these contentious assumptions. Why shouldn't the same be said about the relationship between free will and normative ethical theory?

We should, likewise, find it advantageous if a moral theory remains independent of and agnostic about questions about other contentious debates, like the existence of free will, the justification of desert, and which theory of moral responsibility is correct. And

you should find a moral responsibility agnostic theory to be a stronger theory no matter what side of the free will debate you are on, no matter what you think about desert, and no matter what view of moral responsibility you hold. If two theories have equal explanatory power but one theory makes fewer contentious assumptions, then that theory has an advantage.

In this dissertation, I argue that Care Ethics may be the answer here. It understands morality in terms of empathically caring motivations. I think that Care Ethics' emphasis on empathy, emotion, motivations, and fostering caring relationships over protecting individual autonomy allows us to explain morality without needing to make any assumptions about free will, moral responsibility or claims about desert. Understanding morality in terms of care means that our moral standards are *not* in danger, whether it turns out the concept of free will is in danger or not. We can remain agnostic about this contentious issue.

Let me start by explaining Care Ethics. There are at least three distinguishing features of Care Ethics as opposed to other normative moral theories, all of which, I argue, give it an advantage in remaining moral responsibility and free will agnostic: 1) it emphasizes emotions and emotional capacities rather than rationality and our rational capacities, 2) relationships rather than individual autonomy are highlighted, and 3) the right-making feature is the agent's motivations, making it an agent-based² moral theory. I will focus on a particular formulation of Care Ethics, which says that what makes an action right is that it does not display a lack of empathically caring motivations.³ These features allow Care Ethics to be particularly suited to remaining agnostic about moral

² Michael Slote, *Morals from Motives* (Oxford University Press, 2001).

³ Michael Slote. *The Ethics of Care and Empathy* (Routledge, 2007).

responsibility, desert, and free will. I am not arguing that this is the only ethical theory with this quality, but I do think that the Care Ethicist has an edge in being able to explain many areas while remaining agnostic about moral responsibility and free will because of these three features. Here are a few glimpses into why these features make it easier for a theory to remain agnostic about free will and moral responsibility, although it is hardly exhaustive of the arguments I will make in the dissertation.

First of all, notice that, since Care Ethics says that empathy and care are at the center of how we understand right actions, then no mystery arises as to how we can understand moral motivation without needing to make assumptions about free will, responsibility, or desert. Empathy and care are direct and immediate motivating forces. When we have empathy and care for another, we are motivated to act, regardless of whether we have certain beliefs about free will or moral responsibility or not. I care about you and I empathize with your pain, and I want it to stop. Questions about my responsibility, whether I will be praised or blamed for the action, or whether I am choosing this freely, are beside the point in understanding moral motivation for the Care Ethicist. Care Ethics easily explains moral motivation in terms of direct empathy and care for others. A person does not need to take up any beliefs (whether false or true) about whether they are morally responsible or have free will in order to be morally motivated.

Within the dissertation, I will focus on three arguments that philosophers have made for how our moral lives will be changed or negatively influenced if it turns out that we don't have free will and explain how Care Ethics can get around each of the worries. The first is the question of respect. Many argue that our obligation or at least our

motivation to respect each other will deteriorate as soon as we learn that we don't have free will or moral responsibility. Saul Smilansky argues, "respect for persons broadly requires concern with [another's] choice or lack of it."⁴ The idea that we can *autonomously control* our lives through rational reflection is central to understanding why we have the moral obligation to respect each other's autonomous decisions. Our dignity, by which I mean the thing about us that grounds the obligation to respect, is linked to questions about our status as free. So, the question as to whether we can have this kind of autonomous control if it turns out we do not have free will becomes front and center to the debate. If one wants to maintain that respect for persons is morally required, it is hard to see how you can remain agnostic about free will.

I think that whether free will undermines respect or not, depends on what theory of respect and dignity one posits. In chapter one, I discuss and defend (in new ways) the relatively new Care Ethical theory of respect,⁵ and posit a new theory of Care Ethical dignity to go along with it, comparing these to a traditional rationalist account of respect and dignity. In chapter two, I will apply this theory of respect to the ethics of sex debate and a case from the #metoo movement, which serves to further illustrate the advantages of the theory. Then, in chapter three, I argue that one specific advantage of the Care Ethical view of dignity (the obligation-generating feature of respect) is that it is completely independent of questions about free will. Care Ethical respect does not say that our autonomy (or our capacity for free and rational thought) provides the obligating feature of respect, but rather it is our capacity for having subjective experiences. As such the question of whether we need free will in order to be autonomous agents drops out of

⁴ Saul Smilansky, *Free Will and Illusion* (Oxford: Clarendon, 2000).

⁵ See Slote *The Ethics of Care and Empathy*; and Michael Slote, *Moral Sentimentalism* (Oxford: Oxford, 2010).

the picture entirely. One need not take a stand on whether we have autonomy if it turns out that we don't have free will.

Care Ethics, even its theory of respect, emphasizes the good of caring *relationships* between people over individual autonomy and rational control. Care Ethics understands individuals as fundamentally in relation to others, including one's parents, one's friends, one's community, and society. People who deny the existence of free will and moral responsibility emphasize that we can no longer see ourselves as having ultimate autonomous control over our actions. However, the Care Ethicist does not see this as a loss of individual agency and autonomy, but rather recognition of more aspects of individual agency and autonomy. We just are relational beings. So, giving up views about free will is not a loss in recognizing and understanding autonomy, nor does it imply we will lose our respect for others. It could even be considered an advance in recognizing more aspects of an individual and her relational autonomy, and respecting a person even more. So, the Care Ethicist does not need to rely on a rugged individualist assumption in explaining moral concepts, and this makes it less susceptible to worries that arise about whether autonomy presupposes that we have free will.

The second set of arguments about the importance of free will to normative ethical theory and to our moral lives was sparked by P.F. Strawson's arguments about the reactive attitudes. One of the biggest debates, when it comes to the question of free will, is whether the reactive attitudes are fair or rationally justified if it turns out that we do not have free will. Is it fair to direct emotions like guilt, indignation, or even thankfulness towards a person if they aren't responsible or did not act of their own free will? In fact, there are two questions here- 1) Are our reactive attitudes fitting if it turns out we do not

have free will, and 2) is it then morally permissible to express them if we don't have free will?

In chapters four through six, I argue that once we see this debate as tied to Care Ethical theory, many of the worries about the reactive attitudes involving assumptions about free will are mitigated. I think that Care Ethics can explain why some emotional reactions to right and wrong action are fitting, and why it can be morally permissible or even obligatory (take, for example, apology) to express certain reactive attitudes, without needing to make any assumptions about free will.

The emphasis on emotions over rational justification also allows the Care Ethicist to explain both the fittingness and the morality of the reactive attitudes without relying on assumptions of moral responsibility. If emotional connection is what makes an action right or wrong, and if another person fails in this obligation, it makes perfect sense, and it seems perfectly permissible to respond with some kind of negative emotional reaction. When I see my sister genuinely caring for a child in need, Care Ethics explains why it makes sense to react with positive emotions. It warms my heart to see her care for others. It's as simple as that. Whether she performed these actions freely is beside the point. Likewise, part of being a caring agent is feeling shock and pain when we see a murderer display malice towards another. I think the Care Ethicist can hold that, to ask if our shock and pain is rationally justified, depending on free will, over-intellectualizes morality.

In chapter four, I discuss what the Care Ethicist would say about the fittingness of the reactive attitudes if it turns out that we are not morally responsible. In chapter five, I discuss what Care Ethics would say about the permissibility of expressing these attitudes.

In chapter six, I will look at whether fittingness is a prerequisite for the permissibility of expressing a reactive attitude, and I will use moral anger as a case study.

Lastly, many argue that if it turns out that we don't have free will or are not morally responsible for our actions, then this will fundamentally alter the way we can justify punishment. In particular, if it turns out that we are not responsible for our actions, then we may no longer be able to fairly say that people deserve punishment for what they have done. Some justifications for punishment still stand, but they are all forward-looking consequentialist justifications for punishment, like quarantine, deterrence and rehabilitation. This means that we should be fundamentally altering the way our criminal justice system currently treats criminals.

In the last chapter, I will suggest that Care Ethics provides a way for understanding a kind of backward-looking justification for punishment without making assumptions about free will. I will take the arguments I've made about Care Ethics and the fittingness and the permissibility of expressing the reactive attitudes, without making any assumptions about moral responsibility, and combine this with Joel Feinburg's argument that punishment has a partly expressive function. I will argue this this provides a kind of backwards-looking justification of punishment, without making assumptions about free will. Moreover, I will also argue that Care Ethics provides us with reasons for restructuring the way criminals get treated, and indeed our entire criminal justice system, even without needing to take on the Hard Determinist's or Free Will Skeptics contentious stance on moral responsibility and free will. We can see why a lot of what moral responsibility skeptics say about punishment is right, but while remaining agnostic about those contentious debates.

Chapter 2

Respect as Empathy

In this chapter, I will defend and further analyze a Care Ethical theory of respect, which says empathizing with another person constitutes a kind of respect for this person,⁶ and I provide a new theory of dignity, the obligating feature of respect, to go along with this Care Ethical theory of respect. In particular, I will argue that it makes sense to take this theory of respect seriously, as it parallels classic Kantian (rationalist) respect in all areas, except that it includes a role for our *emotions*. It says that our *emotions* are a part of the object of respect. We must respect another person's *emotions* as well as all parts of their subjective experience. This may sometimes include aspects of their rational will and general intelligence as well, since our rational wills often inform our subjective experience. In addition, our ability to *feel* and our emotional capacity is a part of our dignity and worth as persons. This sentimentalist aspect of our selves grounds the obligation to respect each other. I will argue this sentimentalist aspect of the Respect as Empathy theory gives it many advantages over the classic Kantian purely rationalist model of respect.

In the first section, I will give a brief outline of the new Care Ethical Theory of Respect as Empathy. In section two, I will introduce four desiderata any theory of respect should be able to account for. The third section will provide an in-depth comparison between Care Ethical Respect as Empathy and Classic Kantian Rationalist Respect using these four desiderata. In the last section, I will respond to an objection one might make that Respect as Empathy is too demanding of a theory.

⁶ See Slote, *The Ethics of Care and Empathy* and *Moral Sentimentalism*.

I should also note that in these first two chapters I simply lay out this theory of respect and dignity and provide independent reason to like it. However, in chapter three, I will explain why the sentimentalist theory of dignity I introduce here allows the theory to remain moral responsibility agnostic.

A Care Ethical Theory of Respect

A recent idea has emerged out of Care Ethics, which says empathy constitutes a kind of respect for a person. According to Michael Slote, “one shows respect for someone if and only if one exhibits appropriate *empathic* concern for them in one’s dealings with them.”⁷ Under this model, respect is not a matter of recognizing another’s autonomy grounded in their rational capacity, and seeing that this gives us reason to not interfere with their decisions. Instead, respect involves empathizing with another’s perspective, which includes their emotions, feelings, desires, *and* their rational will. To respect another, we must actually take on and give another’s subjective perspective some emotional weight in our mind. Let me start my developing the idea that empathizing with another person might constitute respecting this person and defend and analyze this theory in a new way.

We empathize with a person when we receptively take on and share in another person’s feelings and perspective. We feel *with* them, so to speak. This differs from sympathy, which involves feeling sorry for a person’s painful predicament. We can empathize with another person’s positive or negative emotions. So, under the Care Ethical model, respect involves a receptive process of taking on the emotions and perspective of another, recognizing, and feeling those emotions from the other’s point of

⁷ Slote *Moral Sentimentalism* 111.

view, that is, giving their perspective or feelings emotional weight in our mind. We can do this through either an automatic osmosis-like process, or intentionally by projecting oneself into the shoes of another person and simulating their perspective. Most people are familiar with empathy and think that it is somehow connected to morality. Here, the idea is that this process constitutes respect for another person.

There's more to be explored in this theory, as it is in its infancy, but let me mention a few important features of Empathy as Respect. First, empathizing with another person does not mean giving up your own perspective, individuality or desires. One must have one's own subjectivity in order to empathize with another's subjectivity. Empathy says that we let another person's feelings and perspective affect our own feelings and perspective. In order to do this, there must be an underlying person, which can connect to the other person in this way. If you simply meld and shift to please and suit anybody around you, there is a lack of genuine connection and genuine empathy here. As such, I think a theory of respect as empathy would advocate for developing one's own independent sense of personhood and agency. After all, how can we connect to others without having your own perspective from which to connect to them. In fact, it may even be a moral requirement (in addition to a well-being requirement) to develop one's own sense of individuality.

Context must also play a role in understanding the obligations of empathy respect. We do not have the capacity or knowledge to empathize with every person simultaneously about every situation. Rather empathy is sensitive to the context, and this dictates what constitutes a lack of empathy for a person. I don't have to walk up to a stranger and ask about whether their relationship with their partner is going well or

poorly right now and take on their feelings about this. However, if a stranger I pass on the street clutches her heart and collapses to the ground in pain, then it does lack empathy to just shrug my shoulders and keep walking. If your behavior will directly affect another, then you should probably empathize with the emotions this particular behavior might create. If you are in physical proximity and an emotion is particularly salient or obvious, then this is the kind of context in which empathy should arise. If you are emotionally close to somebody, then you might need to be more empathic to their more personal emotions. Clearly more needs to be said here, but I think this idea is fairly intuitive for a starting place.

It is also important to note that empathy is partial. In many cases, it is possible to expand your empathy, empathizing with more people, without losing or starting to lack empathy for anybody. However, in situations where you must weigh competing empathic factors, empathy naturally weighs our friends and family higher, because of our emotional closeness. In those rare cases, which arise more often in philosophy classes than in real life, where you can only save your mother or a stranger drowning in a pond, respect as empathy will call for saving your drowning mother. To choose a drowning stranger above your mother would show your mother disrespect. That seems right to me.

Lastly, the respect as empathy view does not consider the emotions at the exclusion of our rational nature. One's rational will often affects a person's particular perspective. As such, the Empathy as Respect theory is able to account for the good features of rationalist respect. Yet, I think it has an advantage because it also includes a role for the non-rational in the object of respect as well.

Four Features for a Theory of Respect

There are at least four main features that any theory of respect should account for. I will use these criteria to compare Respect as Empathy to the classic rationalist Kantian model of respect. I take these desiderata from the current literature on respect, with only minor revisions.⁸

First, (1), a theory of respect should go beyond considerations of another person's welfare.⁹ Respect is importantly different from care and concern for welfare. We think it makes sense to say that we respect a person's decision, even when she wants something that is not in her own best interest. We should be able to say why allowing a person to go against her own welfare is not necessarily disrespectful.

Second, (2), a theory of respect must provide an account of dignity, by which I mean the characteristic of persons, which generates the obligation to respect. The respecter is not the one who decides who and what to respect, but rather the object of respect possesses a certain characteristic, dignity, which should make us "recognize that we have to respect it."¹⁰ A theory of respect should provide an account of what constitutes our dignity, and generates the obligation for respect.

Third, (3), a theory of respect must explain what the activity of respect looks like. Respect is some kind of special attention we pay to another as a person, and a theory of respect should explain what kind of attention this is, and what kind of activity it consists in, or what the process of respecting looks like.

⁸ Robin Dillon, "Respect," *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition), Edward N. Zalta (ed.).

⁹ Slote *Moral Sentimentalism* 108-109. This is the desideratum that I think Dillon misses, and why makes my view distinct from the view she presents in Robin Dillon, "Respect and Care: Toward Moral Integration." *Canadian Journal of Philosophy* 22.1 (1992).

¹⁰ Dillon "Respect" 3.

Fourth, (4), whatever this activity is, it must include recognizing another person as important for their own sake. As Robin Dillon puts it, "respect often means trying to see the object clearly, as it really is in its own right, and not seeing it solely through the filter of one's own desires and fears or likes and dislikes."¹¹ Whatever this attention is, it cannot be to view a person merely through a selfish lens, but instead it must involve recognizing another's personhood. This is part of the special kind of attention respect consists in (feature #3), and as such these last two features are intimately related.¹²

Lastly, (5), I think that a theory of respect should explain why respect involves both an internal feeling or attitude of some kind *and* why it should also give us some kind of reason for acting on this respectful feeling or attitude.

Both the classic Kantian Rationalist theory and the Respect as Empathy theory can account for all of these features, and as such they are parallel theories. However, the Care Ethical theory incorporates the importance of our non-rational natures in each feature below.

Comparing Theories

The Classic Theory of Respect:

Rationalist theories of respect are the predominant theories of respect currently discussed in the literature, and at the heart of any rationalist theory of respect is Kant's Humanity Formulation of right action: "act as to treat humanity, ... in every case as an

¹¹ "Dillon "Respect" 3.

¹² I take features 2-4 from Dillon "Respect." Although, I do make some changes, such as splitting apart feature three and four, which she does not distinguish.

end withal, never as a means only."¹³ So, according to the rationalist model, respect has two parts, we must never merely use a person as a way to achieve our own ends. Instead, we must always treat a person as an end in herself. To treat a person as an end is to treat her as an autonomous and rational being.

One's possession of a fully developed capacity for rationality gives us a moral obligation not to interfere with another's rational will, and thus undermine their autonomy over their own life. For most Kantians, it is always wrong (because it is disrespectful) to act paternalistically towards adults. As rational agents, adults have the right to govern their lives as they see fit, and we should never disrespect an agent by undermining this autonomy, even if it is in their best interest to do so. Since children are not fully rational yet, we do not have an obligation to respect them, so it is permissible to act paternalistically towards children.

I should note that there are many interpretations and variations on this kind of Kantian respect, and I am not able to compare my theory to all of the variations and interpretations of Kantian respect out there. Some do include more of a role for our emotions, and so, really, I will start by only comparing the theory that I lay out to a very traditional model of Kantian respect, in order to show the differences between the two starting points. However, not all of what I say apply to every Kantian theory of respect, and a more in-depth analysis and comparisons to all of these theories should be done, but I don't have time to do so here. However, most of these rationalist theories do share some of the features of this classic conception, and so I think this analysis will still work as a starting point to show where certain differences between the theories might lay.

¹³ Immanuel Kant, *Fundamental Principles of the Metaphysic of Morals*, trans. Thomas Kingsmill Abbott (Upper Saddle River, NJ: Prentice Hall, 1949) 58.

Feature One:

Kantian respect clearly accounts for the first intuitive feature of respect. It is without doubt distinct from a concern for welfare. We should respect a person's autonomous decision, even if that decision is not in this person's best interest. An autonomous individual has a right to govern their life, and we should not interfere with this. This is just the worry that Kantians have when they argue that paternalistic actions are morally wrong. They argue that it is disrespectful and wrong to usurp a person's autonomous will even when doing so is out of genuine concern for the well-being of this individual.

One of the biggest general critiques of the Care Ethical Theory is that it is unable to account for respect, because it is thought to put welfare considerations at the center of morality. Since concern for welfare is often thought to be at odds with respect for autonomy, the worry is that Care Ethics does not account for respect at all. But, in fact, empathy is quite distinct from concern for welfare.¹⁴ People often have desires, wishes, and rationally will ends that are not in their own best interest. When we empathize with another's perspective, we must give positive emotional weight to all of these things, and we are not just concerned with their welfare. In this way, Slote has provided a Care Ethical theory of respect that is distinct from concern for welfare.¹⁵

¹⁴ Slote *Moral Sentimentalism* 108-9.

¹⁵ Dillon "Respect and Care" argues that care itself might be considered a kind of respect for a person. However, I think that we want respect to remain distinct from concern for welfare. Empathy is able to account for this difference, and this feature of respect distinguishes this care ethical account from Dillon's approach. Yet, it is also sympathetic to much of what she says about respect.

Feature Two:

Feature two says that a theory of respect must provide an account of what constitutes our dignity. By dignity I mean the characteristic about us, which generates the obligation to respect. As Dillon puts it, "Respect is object-generated, rather than wholly subject-generated."¹⁶ A theory of respect must provide an account of what it is about the subject that generates the obligation to respect.

Kant certainly recognizes that this is an element of respect, since he thinks that it is our unique capacity for rationality, which generates the obligation to respect. Our dignity, then, comes from our autonomy, understood in terms of our rational capacity and free choice based on this rational reflection.

Formulating the view of dignity (the obligation-generating feature of persons, which makes them worthy of respect) hasn't yet been done for the respect as empathy view. This account of dignity is part of the new contribution I make here. This either diverges from or adds to Slote's theory of respect. Slote does not provide an account of dignity or the obligation-generating feature of respect. Slote does discuss autonomy. He thinks that our autonomy is developed through respect. I agree with his account of autonomy here. However, he does not specify whether this is also an account of dignity and the obligating feature of respect. I suspect he wouldn't want to say this, as it would be odd to say that respecting a person tends to develop a person's autonomy and autonomy is what generates the obligation to respect. This would imply that those who have been disrespected in the past would then *deserve* less respect because of it! I think that under the Care Ethical framework of empathy as respect, the concepts of dignity and autonomy must come apart.

¹⁶ Dillon "Respect" 3.

I think the Care Ethical theory of respect can account for the fact that respect is object-generated, that is, it comes with an account of dignity. Unlike rationalist respect, there is no reason to say this characteristic is grounded in our rational capacity. Instead, I think it would count our capacity to have subjective experiences as the part of us that gives us dignity and obligates others to respect us. If an individual is capable of having wishes, desires, or feelings at all, then they deserve respect in virtue of this. The Care Ethical theory of respect also accounts for the importance of our rational will, because our rational will is often a part of our subjective experience. For instance you might really feel like having ice cream, but you rationally will that you stay on your diet. Your rational will here, is informing your subjective experience. I see no reason why we cannot empathize with this full complex subjective state, and so the contents of at least some of our rational will is accounted for in our subjectivity. However, Respect as Empathy demands that we recognize each other not only as creatures with rational wills, but also as creatures with desires, emotions, and feelings. All of these are important aspects of our human nature, and all are a part of our dignity for the Care Ethicist.

This illustrates the first big difference between the two theories. Care Ethical respect includes a role for the non-rational part of our natures (in addition to the rational part of our natures) in its account of what constitutes our dignity and generates the obligation to respect each other. For Kantians, the imperative for respect is generated by our rational capacity, while, for Care Ethics, having a subjectivity (having emotion, desires, feelings of pleasure or pain, or a rational will) grounds the obligation to respect. As such, the Care Ethical account provides a broader scope of who deserves respect. For Kantians we must respect those who are capable of rational thought, namely persons. For

Care Ethics, if it is possible to empathize with a subject, then that subject deserves respect. So, any subject with a subjectivity deserves respect. In this way, the idea of respect as empathy accounts for why it makes sense to say that we should respect children, animals, and people with certain cognitive impairments.

I think the biggest immediate objection here is that Care Ethical theory includes too many into the scope of who deserves respect. Perhaps we should not respect these groups. It seems counterintuitive to think that a sheep has dignity after all. However, I actually find this to be an advantage rather than a disadvantage.

The Kantian would certainly object here, because respect (according to the Kantian tradition) means that we recognize that a person's rational capacity gives us reason not to interfere with a rational person's decisions. Since animals, children and the severely cognitively impaired do not have a fully developed rational capacity, it can sometimes be right and even obligatory to interfere with their decision-making. Respect for children and animals does not make sense since they have no or little autonomy.

But keep in mind that, for the Care Ethicist, respect is not a matter of seeing reason not to interfere with a person's autonomy, but it is a matter of seeing things from another's point of view and taking on their feelings and perspective. Since Care Ethics says that we must care as well as respect, Care Ethics can make sense of the idea that it is sometimes morally right to interfere with a child's decision making. But it still can incorporate the idea that we must respect children. In other words, we must see them as important in their own right, and see their desires, wishes, will, etc. not simply through a lens of ourselves.

Some have already argued that that we should expand which groups we think warrant respect.¹⁷ In addition to adding in children, it would include those suffering from dementia or Alzheimer's in their old age. It seems more worrisome if a theory of respect counts this group as having lost their dignity and says that we have no obligation to respect these groups anymore. I want to say, no, our human dignity is not so easily lost.¹⁸

One might respond, and say, it is all well and good that the Care Ethicist includes these groups, but we can point to another reason that such a large scope for those who deserve respect is worrisome. What about animals? Should we really respect an animal as much as a person? I take it that many would see this as one of the hardest objections I would need to overcome to make this theory of dignity plausible.

I have a few responses to this objection. First, an account of respect as empathy does not imply that we have an obligation to respect animals as much as people, because empathy is partial. If the context requires empathy with more than one subject, and those subjects have competing values with no hope of reconciliation, then empathy will naturally favor or weight more heavily those near to us in space and time, who are more vulnerable, and, I think, humans over animals etc. As such, if you choose to save an animal over a person, then you are probably not fully empathizing with the person. So, while we should always fully empathize with all in the situation, and expand empathic concern when you can, the particulars of the context and the nature of empathy will give rise to how we should weigh these competing empathic factors, when it is just

¹⁷ Agnieszka Jaworska, "Respecting the Margins of Agency: Alzheimer's Patients and the Capacity to Value." *Philosophy and Public Affairs* 28.2 (1999): 105-38.

R.S. Downie and E. Telfer, *Respect for Persons* (London: George Allen and Unwin, 1969).

Those who try to derive a theory of respect from Utilitarian frameworks may also have such an implication.

¹⁸ This doesn't mean that things like euthanasia would necessarily be wrong. It just means that we would still need to listen to these peoples wishes, desires, and empathize with their happiness and their pain and suffering in their current state. This might have some interesting implications for medical ethics (for issues of advanced directives for example) that would be worth exploring in another paper.

incompatible to respect everybody simultaneously. In cases where an action affects more than one subject that empathy will not require respecting an animal more than a person.¹⁹

Second, Care Ethics can still explain how respectful interactions look very different when it comes to respect of an animal vs. respecting a rational agent. This is because empathy wouldn't ignore the importance of the rational will, it would embrace this as often affecting a part of another person's perspective, and so be a part of what we must (potentially- depending upon the circumstances) empathize with. Animals and rational agents have quite different subjective experiences with which it is even possible for us to empathize with. Respecting a sheep might involve a focus on not causing unnecessary pain, and perhaps (if it is my sheep) making sure its needs are fulfilled. Respecting the dignity of a rational agent has the potential for much more complex requirements. It may involve a recognition of the rational will and/or their emotional perspective, or an understanding of the complex interaction between the two. Of course, what exactly respect looks like depends upon the specific circumstances of the case. However, there is a difference in what respect might involve, depending upon the capacities we have. It allows for a difference in what respectful action looks like when respecting a human (with emotions, a rational will, as well as other more sophisticated kinds of intelligences) as compared to respecting a sheep, which has nowhere near the kind of complex subjective experience.

One might object here that by including animals and children, that I am collapsing the distinction between objects of respect and objects of proper care.²⁰ It does seem to

¹⁹ One might worry that there may be some possible exceptions to this, for instance, if the animal is a beloved family pet, and you have a special love for this particular animal. I think in general, however, it is more difficult to empathize with animals than humans. But I'm open to the idea that there may be some exceptions. (Thanks to Mark Rowlands and Michael Slote for comments on this point.)

me that, when it comes to the case of respect for those that lack more complex values and desires, what respectful action and caring action looks like end up overlapping and calling for the same kinds of interactions. This may explain why we don't tend to talk about respect for animals that often. At least in the vast majority of cases, there isn't a specific reason to talk about respect for animals rather than care for animals. However, having the same kinds of actions called for by both care and respect for certain agents doesn't sound like a devastating objection, given other advantages the theory has.

For instance, by including animals and children, I think that Care Ethics avoids an arbitrary threshold problem. Rationalist theorists must answer a question of what threshold of rationality one needs to reach in order to be considered an autonomous agent. When does one become autonomous enough to demand respect for their decisions? At some point this obligation seems to just switch on, so to speak. This just seems odd. We clearly gain more and more ability for rationality as we grow and mature in life. Why is there some arbitrary point at which we didn't deserve respect before, but suddenly we do?

To avoid setting an arbitrary threshold the Kantian could say that we must only respect a person to the extent that they are rational, and that the obligation to respect comes in degrees. I think this makes sense even in the Kantian way of thinking about respect. Shouldn't we respect the 14-year-old's decisions more than the 2-year-old's decisions even though neither is fully autonomous yet? It seems odd to think that both the 14-year-old and the 2-year-old are at the same level when it comes to respecting their decisions. So why not say the obligation to respect comes as a matter of degree based on how rational you are.

²⁰ Thank you to Richard Chappell for pointing this out.

However, I don't think the Kantian would want to make this move for many reasons. First, it might also imply that we should have different degrees of respect for adults with differing rational abilities. This would no longer sound like equal respect for all persons. If the answer moves in this direction, it is also unclear why we shouldn't just interfere anytime somebody is acting irrationally. Nobody is perfectly rational all the time, so why do we deserve respect for irrational actions just because we have the general capacity for rationality? Why does the general capacity for rationality ground respect for actions even in cases where this general capacity is not functioning properly? This is clearly not a good move for the Kantian to make, as this will count paternalism as permissible in almost every case, which they would not want to do.

There is an even more worrisome case this would present for the Kantian. This might imply that the person who was disrespected all through their childhood would actually deserve less respect because of this. We would then have a vicious cycle of disrespect. One does have to assume an empirical fact that if a child was never encouraged to think for themselves, that they may have more trouble in rational reflection. It does seem that practice leads to rational improvement. As a philosophy teacher who explicitly tells her students this is what makes her class valuable, I at least hope this empirical fact is true. And, if it is, this implies that a person would, in turn, actually continue to deserve less respect *because of an early disrespectful environment!* As such, I don't think the Kantians would want to argue that our dignity is a matter of degree based on how rational we are, and so I think the Kantians are stuck with this arbitrary threshold problem we started with.²¹

²¹ Although, I acknowledged that I am not seeing myself as showing worries with all forms and interpretations of Kantian respect (rather only a very traditional kind). I do think that this worry is

Respect as empathy, on the other hand, avoids this problem completely, because it does not need to set a threshold at all. Since it includes children and animals within the scope of who deserves respect, it does not need to set a cut off for how rational a person must be in order to have dignity and generate the obligation for respect. If one has a subjectivity at all, then that subject deserves respect. So, far from being a disadvantage, this may be an advantage to the Care Ethical Theory of Respect.

Since we can still respect children, and yet it can also be morally right to do something against their will, then it looks like paternalistic action will sometimes be considered respectful, or at least not disrespectful. This illustrates another rather large difference with the prevailing account of respect. Care Ethics can explain how it is possible to interfere with a child's wishes in a respectful or disrespectful manner. That is, we can do so with empathy or without empathy. Most rationalists would say that respect just is not applicable when it comes to children and animals, and it is certainly not possible to act paternalistically and act respectfully at the same time.

Again, the idea that there is respectful and disrespectful paternalism may seem strange at first, since, the classic account of respect is so well established. I think that the idea that we can respect or disrespect children, and even act in a way we would normally call paternalistic in a respectful or a disrespectful manner seems quite intuitive once we think about examples.

Take the case of a parent taking a child to the doctor to get a shot, and the child is afraid of needles. One is *caring* for the child's needs here and acting paternalistically in both cases. In Case A, the parent holds the child's hand, saying he knows it hurts, but

potentially one that might affect most versions of Kantian rationalist respect, as most of these theories share the idea that rationality in some way grounds our dignity, and that paternalism is problematically disrespectful.

that she will be happy later that she did this. Perhaps the parent even offers to buy the child a treat afterwards. Now compare this to Case B, where the parent takes his child to the doctor to care for his needs but rolls his eyes when she starts crying at seeing the needle. Let me also stipulate that the child has no chance of seeing the eye-roll or being hurt by this eye-roll, so it has no chance of affecting the child's well-being.

It seems that both parents are acting paternalistically, but the latter is acting paternalistically in a much more disrespectful manner than the first parent. Parent B is not giving his child's wishes and feelings any weight in their own right. Parent A, on the other hand, is treating the child's will as important, and paying special attention to the child's wishes and perspective. So, although both parents act paternalistically, there is a kind of respect in parent A that is absent in Parent B. Yet the Kantian account of respect can't make sense of respectful paternalism, nor the imperative that we must respect the child's perspective at all. I think it is certainly plausible that we should and often do recognize a child's will, desires, feelings, perspective, etc, as important in their own right. This sounds like respect, but the grounding of it cannot come through a fully developed rational capacity.²²

There is one last important advantage to the Care Ethicist's more inclusive account of dignity. This last advantage is simple, but I think it is the most important one: it has intuitive appeal. It is clear that we are feeling, desiring, willing beings who are sometimes rational, sometimes irrational, and most of the time some complex combination of the two. We have many complicated attributes that all work together to

²² It would be interesting to see whether Kantians could take on Dillon's account of care respect to account for the intuition that children deserve respect as well. However, if the Kantian did say Care Respect was a kind of respect, it would also mean that we could act paternalistically to adults while still in part respecting them. This would be a large change to Kantian moral theory.

make us the interesting creatures that we are, and I suspect that this means we need a more complex and inclusive account of what obligates us to respect each other, and what constitutes our dignity and worth. We deserve the special kind of recognition that constitutes respect because of all of these complex attributes of our subjective experience, and not just one of them.

Features Three and Four:

Let me now turn to features of respect number three and four. I will take these last two features together, because they are related. Feature three says that respect is a kind of special attention we pay to other people, and we need an account of what kind of attention this is. Feature four says that this special attention must involve seeing a person in their own right and not merely as a reflection of our own desires. I argue the Care Ethical theory of respect accounts for both of these features, but it accounts for the non-rational aspect of our humanity in both of these features as well.

Kant clearly thinks that to respect another is to see another as important in their own right, and we should not see another person only through the filter of our own desires and wishes (feature four). This is just what Kant means when he says we should never treat a person as a mere means to our own ends.

For Kant, the special attention that constitutes respect (feature three) is to recognize the other as an end, or a being with a rational ability, capable of governing herself. This rational capacity gives her autonomy, and we should not interfere with this autonomous will. Perhaps we should even help another to achieve her goals, if they are moral, and it is not overly burdensome for us to do so. Recognition of another as an

autonomous being capable of rational reflection and seeing that this gives us reason not to interfere with her autonomy is the kind of special attention that the act of respect involves.

The Care Ethical theory that empathy constitutes respect also accounts for feature three and four, but in a way that, again, makes room for the non-rational. First, when you empathize with a person, you are paying her a special kind of attention (feature three). In fact, Care Ethics' account of respect prescribes that we give more special attention than the Kantian account of respect does, because we must actually take on the person's perspective, emotions and attitudes, and then feel and understand them ourselves. This involves something more on the part of the respecer. Namely being receptive to another's particular desires, wishes, and will (as the context dictates). This also means that the act of respect at least sometimes involves the respecer exercising one's emotional capacity.

The Care Ethical account of respect also accounts for feature four. When you engage in the kind of act described above, this entails that you are not simply viewing another through the lens of your own desires and will. When we empathize, we are receptive to another's wishes, desires, feelings and will, and we give them a certain importance. If you truly do this, then you are not seeing them as important only in terms of your own desires.

So, while both theories account for feature three and four, this also highlights another difference between the two theories in terms of the inclusion of non-rational features in at least two places. First, for the Care Ethicist, the act of respect (at least sometimes) involves exercising one's emotional capacity (in addition to her rational

capacity). Sometimes, the respecer herself must take on another's emotions. For the rationalist, respect involves recognizing that another's rational ability gives one *reason* not to interfere with another, and so the act of respect involves the respecer exercising her rational capacity.²³

Second, there is also room for the non-rational in the object of respect for the Care Ethicist. For the rationalist, the object of respect is the autonomy of a person. For the Care Ethicist, the object of respect is the person's particular desires, feelings, will, etc. So, the object of respect includes rational and non-rational aspects of a person. In addition, it is not the general capacity but the particular desires, feelings, will, etc. that are the object of respect.

I think that the inclusion of the non-rational in the act of respect and the object of respect is an advantage for a couple of reasons. First, I would argue that the way in which we already use the word respect in everyday life indicates that we think that emotions must come into the act of respecting. In everyday language we think that it is perfectly understandable to say that we wish another would "respect our feelings." The Care Ethical theory of respect explains this ordinary language idea that we can respect a person's feelings or emotions. Rationalist respect cannot. When we say to another that we respect their feelings this has nothing to do with recognizing their autonomy or rational control. A Kantian might just say that we are misusing the word 'respect'. I would argue that the ordinary language way we use the word respect supports the idea that empathy is a kind of respect. When we say, "respect my feelings," I think that we are

²³ Darwall does think that empathy can be used to find out what rational ends another person has, and so may sometimes be involved in gaining knowledge about the other person, which may aide in the activity of respect. However, emotion is not really playing a part in the activity of respect itself but in the gaining of information about what another person's ends are.

saying we wish another would try to understand and take on our feelings and take them into account.²⁴ This highlights how the conception of Respect as Empathy is already implicit in much of our thinking. Emotions and the non-rational play a role in the act and object of respect.

Again, I should note that, due to space, I have focused on comparing Care Ethical Respect as Empathy to a very classic Kantian view of respect. However, there are many versions of rationalist respect, which are not subject to all of the worries that I am raising. For instance, Darwall, although a rationalist, also thinks that empathy plays a role in respect, although he thinks it plays an epistemic role, but does not think that it constitutes respect. As such, there may be some points of agreement between Darwall's theory of respect and Care Ethical respect. However, Darwall's theory differs in a few key ways. One difference is that Darwall's theory would definitely keep the idea that rationality constitutes our dignity and worth. Rational agents capable of standing in a certain second-personal authority to make reasonable demands for certain treatment from others comprises our dignity as agents. Our having a subjectivity or the ability to feel would not be a part of what constitutes our dignity for Darwall.

The other, is that I think Darwall would likewise have trouble accounting for the idea that one's emotions can be the object of respect such that we can understand the phrase "respect my feelings" in the same way that Respect as Empathy can explain this phrase. I think this explanation really does rely on the idea that empathy constitutes respect, and not that empathy simply has an epistemic role to play in respect. By "respect

²⁴ We also often say phrases like: "respect my opinion" and "respect my wishes." In likewise manner, the Care Ethicist can make sense of this phrase, while the Kantian cannot.

my feelings,” I think we are asking that a person take on and understand our feelings from our own perspective, and that this act in and of itself is respecting my feelings.

The object of respect for Care Ethics differs from the traditional rationalist account not only in terms of including the non-rational, but in the fact that respect involves taking on the *particular* emotions, feelings and desires of the person being respected. For Kant, the object of respect is a general capacity for rationality that all persons share.²⁵ Again, many have already critiqued this aspect of Kantian respect. Dillon has worried that, Kantian respect views “persons as intersubstitutable, for it is blind to everything about an individual except her rational nature, leaving each of us indistinguishable from every other.”²⁶ According to Noggle, “It seems that if we are really serious about respecting persons, we ought to respect them not only as instances of rational agency, but also as the particular individuals that they are.”²⁷

The object of respect, for the Care Ethicist, is the *particular* desires, wishes, will, etc of the respected (as the context dictates). As such, it asks us to focus on what makes the person unique and particular, rather than a general capacity she has. So, Respect as Empathy accounts for this intuition, and, as such, it is a general advantage.

Care Ethics explains the intuition that respecting a person should involve recognizing what makes a person unique as well as the capacity that everybody shares. This means that the object of respect is what makes the person herself unique from others, rather than a capacity she has. This is because empathy requires taking on, and

²⁵ One might argue that the object of respect can be the general capacity or the particularity of a person’s rational will. I like this idea, but it would certainly have some effects on Kant’s theory that not all Kantians would endorse. For instance, there might be the same kinds of over-demandingness objections, and questions about how much of the particular will we must respect in different contexts. I like this suggestion, but it doesn’t sound like traditional Kantian respect to me.

²⁶ Dillon “Respect and Care” 121.

²⁷ Noggle, Robert. “Respect and Particular Persons.” *Canadian Journal of Philosophy* 29.3 (1999): 449-477.

feeling another person's particular emotions, feelings, perspective and will from their perspective. The object of Care Ethical respect is actually the content of another person's values, will, feelings, emotions, etc. These are at least more fundamental features of what really define who a person is. In this way, the object of respect, for the Care Ethicist, is focused more on the person herself, rather than just a capacity she has.

One might worry that this could lead to an objection for Care Ethical respect. If respect does not involve seeing what is the same about everybody, then it seems like this might lead to a problem with equality.

I do not think a focus on our particularity is a problem for equality at all. In fact, if anything, I think this is an advantage for Care Ethics' theory. Treating people equally sometimes does require seeing a person in all of their uniqueness and empathizing with their particular context, background, situation, etc. Perhaps understanding how a history of slavery has left its mark on our laws, physical world, and social structure is important in understanding how we should best make or change policies that do not disrespect black people. And we should not forget that at the core, there is still a quality that we all share in deserving respect (understood as empathy), which is our having sentience, and the ability to feel, desire, think, and, when it comes to people, have rational wills and plans of life.

Feature Five:

Lastly, both theories account for intuitive feature five. Both theories allow for the idea that respect is not just something that happens in a person's mind, but that respecting a person gives us a reason to act in a certain way as well. I think we can properly

interpret rational respect as recognizing another's rational will as a *reason* for acting or refraining from acting a certain way.²⁸ So, at least some kinds of rational respect seem to involve something that happens in the mind, one recognizes a reason and this constitutes respect, but it also includes a reason for action.

Although the Care Ethical account of respect has so far been about taking on another's feelings, which does not directly discuss actions based on empathy, I do think Care Ethics can also account for why respect provides a reason (in a manner of speaking) for action. This has to do with the motivational component of empathy. When we empathize, we take on another's emotions and perspective. To do this just is to give us a reason or the motivation to act. Of course, in many cases, other moral factors or even other empathic factors can come into play and trump these empathy-based reasons. A Care Ethicist might say that care as well as respect comes into play in a morally right action. So, Care Ethics does not necessarily give respect the final motivational force, but it does account for why respect does give us a reason (in a manner of speaking) to act on this feeling of respect. There is a kind of balancing and weighing of moral factors, in the Care Ethical View.

Similarities:

I have illustrated what a large difference it makes to include the non-rational in an account of our dignity, the activity of respect, and the object of respect. However, let me end this section by emphasizing the similarities of these two theories of respect. Stephen

²⁸ Darwall, Stephen L, "Two Kinds of Respect." *Ethics* 88.1 (1977).

Darwall,²⁹ a contemporary rationalist respect theorist, says that, in order to have the kind of respect for persons that is morally required, one must "give proper weight to the fact that they are persons," in one's deliberation about what to do.³⁰ Interestingly, the account of respect as empathy is consistent with Darwall's quote. It differs only in how it interprets "persons" and "give proper weight."

Care Ethics interprets "persons" to mean fundamentally emotional, desiring, *and* rational beings. And it interprets "give proper weight" to mean that we must try to understand, take on and feel another person's perspective as the context dictates. On the other hand, for the rationalist, "person" is a being capable of thinking rationally, and to "give proper weight" is to see this as reason for non-interference with their rational will. The dispute lies in how we interpret some of these phrases, and yet, Respect as Empathy is consistent with Darwall's general idea. In respecting a person, whether a Kantian or a Respect as Empathy theorist, we "give proper weight to the fact that they are persons."³¹

In addition, when it comes to the vast majority of cases, both theories of respect call for similar actions. Rationalist respect says that one must recognize that a person's rational capacity gives us reason not to interfere with their decision. In most everyday cases, respect as empathy calls for exactly the same kind of action: non-interference. If

²⁹ In this paper, Darwall introduces two kinds of respect: recognition respect and appraisal respect. Recognition respect is the respect that is morally required. Appraisal respect, on the other hand, is the idea that, by respect, we often mean that we appraise something or a feature of something highly. I am putting the notion of appraisal respect to the side for the sake of this paper. I am interested in the morally required kind of respect, and I take it that appraisal respect is not a morally required respect, but something else. Darwall thinks emotion may come into play in appraisal respect, but it is importantly different from respect as empathy, since, just because you empathize with somebody does not mean you must appraise them highly. Darwall also thinks one can have this high appraisal (and so appraisal respect) for objects, nature, the law, etc. However, we cannot empathize with any of these things since they do not have feelings, wishes, desires, or a subjectivity. So, although Darwall's account of appraisal respect may involve emotion, this is not the kind of respect I am talking about here. In fact, I think the Care Ethical theory of moral respect is compatible with Darwall's account of appraisal respect.

³⁰ Darwall "Two Kinds of Respect" 39.

³¹ Thanks to Casey Landers for pointing this out to me.

one is empathizing with another's perspective, then it should motivate us not to interfere with them unless there is really important and over-riding reason to do so.³²

Empathizing with another's perspective also gives one motivation to help another to achieve their goals, especially if it is fairly easy to do so, and there is no over-riding empathically motivating reason not to help them. Again, this sounds a lot like what Kantian rationalists say that respectful action looks like in practice. At least some Kantians also think that, unless a person's ends are immoral or it is overly burdensome to do so, then one has a duty to help others achieve their ends. So, the Care Ethicist and the Kantian agree about what respectful action looks like in many everyday cases.

However, the reasoning behind this obligation is quite different. The Care Ethical account is not grounded in recognizing that our ability to rationally reflect gives us autonomous control over our actions. Instead our obligation to respect is grounded in the fact that other people have subjective desires, wishes, wills and perspectives and we are interconnected with one another through empathy. In this way, the Care Ethical theory does not discount the importance of our non-rational natures in its account of respect.

An Objection and Response

Over-demandingness

One might object that these differences in Care Ethical respect lead to an over-demandingness problem. Care Ethical respect requires more work on the part of the respecer, this leads to a natural objection that this theory asks too much of the respecer.

³² This is even in cases where you do not know what the other person's particular perspective is. You can still empathize with the fact that they do have a perspective, emotions, feelings, and will and that they are most likely acting in a way that reflect those. Most of us have a feeling that when somebody thwarts or stops us from what we are doing that this is at the least frustrating, and sometimes very hurtful.

A Kantian might say it is absurd to think we must empathize with everybody all the time. We don't really have to go as far as take on and understand another's emotions and perspective, just so long as we don't interfere with them. Let me say a few things on behalf of the Care Ethicist to mitigate this worry.

Although, I should mention that I fully accept that this theory is more demanding than a traditional kind of Kantian respect. I am okay with this verdict. I suspect respecting others may be harder and more demanding than we think. My responses to this objection are more in the vein of reminders that there are some limits to the demandingness of this theory, and that Care Ethics does not take respect to an absurdly demanding level. However, I fully accept that Respect as Empathy is a more demanding kind of respect than a traditional rationalist account.

First, it is important to remember that the contextual features of a situation determine what particular emotions, desires, feelings, etc. we must empathize with. What is necessary is that any action not lack empathy. One way to think about this is that in one considers the people this action will affect, and empathize with anybody who will be affected, given the particulars of this action and this situation. If an action is not affecting anybody, then we do not have to have a concurrent state of empathy, and we are not disrespecting anybody. The obligation for empathy is not explained in terms of another moral concept, but the situational features give rise to morally relevant details. This means that there is some limit to how much empathy we must have. Although it is still more demanding than Kantian respect, it is important to remember there are still some limitations on how often and to what extent we will need to empathize with others.

Certainly, more would need to be said about how context affects empathy. I don't have time to go into depth about this now. It is worth fleshing out more details about this at a later time. It's also important to note that I am not saying that empathy is limited by some other moral factor. Instead, I think we'd really need to say that it is in the nature of empathy itself and how it works. This may call for psychologists to explain the details, and for its own debate in particular cases. But, intuitively, I think we have some intuitive ideas about how this works, and that is enough to operate on for these purposes.

For instance, if you are checking out at Target, you probably don't need to do much active projective empathizing, with every detail of your checker's life. It seems enough to not be unnecessarily rude. However, having waitressed before, I can tell you that people do sometimes act in a way that displays a lack of empathy, even in this impersonal context and with these less than stringent standards. For instance, if something is going wrong in the customer's day, and then they take it out on their server at a restaurant, this displays a lack of empathy. One should probably empathize with the emotional pain it might cause her to get yelled at for seemingly no reason. In fact, I remember such a case where I was waitressing and a table complained when I really didn't do anything wrong. They were just having a bad day themselves it seemed. It hurt my feelings, and another table I was serving overheard the problem. This second couple that I was serving made a particular point to compliment my service when I next came to check on their table. This might have been supererogatory, but I think it illustrates that, although some contexts don't require much active projective empathy and emotional labor, it doesn't mean that empathy is not relevant at all, even in these more impersonal contexts. But the empathy needed will be very minimal in some contexts. For instance,

as long as you don't cause unnecessary pain, and you call an ambulance for somebody if they faint, etc, then there isn't much more the context of shopping at Target requires.

Second, although we should empathize with others, as mentioned earlier, there must be a self, which can do the empathizing. One has to respect oneself at least to some degree in order to be able to reliably both care and empathize with others. As such, I think the Care Ethicist should say that it is far from necessary to always put others' emotions and feelings before your own when the two are in conflict. In fact, one might have a moral obligation to develop your own sense of self. There must be a balance between one's own perspective, feelings and needs and the perspective, feelings and needs of others. As such, I think the idea that respect as empathy would always call us to put another's perspective over our own or calls us to completely replace another's perspective with our own, strawmans the Care Ethicist position. Although Care Ethics is demanding, it does not go so far as to say that we can never listen to our own needs and wants. It simply advises a kind of balancing here, which I think any moral theory must similarly do.

Lastly, I do not think one has an obligation to empathize with somebody acting disrespectfully. However, if one does empathize with another person who is lacking empathy (acting disrespectfully), I will argue in a later chapter that this will automatically lead one to feelings of moral disapproval, which blocks our motivation to help this person achieve immoral goals. I will explain the details later, but it shows that Respect as Empathy need not say that we should act on behalf of another person's perspective, if that perspective itself lacks empathy and respect for others. Any theory of respect must say why we have an obligation to help others in achieving their goals, only if those goals are

themselves moral goals, and the Care Ethical theory of respect has an easy way to show how this is the case in terms of its explanation of moral disapproval and the reactive attitudes, which I will turn to in later chapters.

So, while the Care Ethical approach does seem to take more work on the part of the respecer than the Kantian approach, it is not clear that this is problematic. In fact, because it seems to take more work on the part of the respecer it may also be a more ethically valuable concept.

Concluding Remarks

Overall, I think Care Ethics provides a new theory of respect, and that there is enough reason to take it seriously as a contender in explaining this important moral concept. The theory encompasses all the intuitive features a theory of moral respect for subjects should incorporate, and yet is quite different and distinct from the prevailing account. One of the biggest differences is that the Care Ethical theory of respect as empathy says that our feelings, desires, wishes, etc, are just as important as our rational will. I have argued that this seemingly small difference leads to quite a unique theory of respect, and a theory of respect that has several strong advantages. I hope I have shown that respect is not a concept relegated only to a Kantian approach to ethics. This kind of respect is clearly compatible with Care Ethics, but the kind of respect as empathy model I have defended here may be compatible with other moral theories as well. As moral theorists, we should take this seriously as an alternative theory of what constitutes moral respect for subjects.

Chapter 3

An Application of Respect as Empathy

In this chapter, I want to further defend the Care Ethical Theory of respect and illustrate why it is useful to understand respect in a way that does not discount the importance of our non-rational natures. I will illustrate this by applying this theory of respect to the ethics of sex. Many have worried that Kant's rationalist ethical theory can do all that it needs to in order to explain the ethics of sex. After all, when it comes to having sex, our bodily desires, feelings and emotions take control of the scene. Yet, Kantian respect focuses on the idea that we view another in a respectful way by focusing on the other as a *rational* being. There is a clear disconnect here, and I will argue this leads to only capturing part of our obligation in the realm of sexual ethics. I think we need a theory of respect that says that we must recognize another person's rational will, but that this is only part of the story. We must also recognize and empathize with another's particular feelings, desires and perspective in order to say that we have respected her, when it comes to this particular context.

I think Care Ethical Respect, as I laid out in the last chapter, can explain why some cases in the ethics of sex are disrespectful, which, I think that a pure rationalist cannot alone account for. Respect as Empathy is just not susceptible to the same worries in the ethics of sex that Kantian rationalist respect is susceptible to. I argue the Respect as Empathy view would say that respectful sex must involve gaining rational consent *plus* empathizing with another's bodily desires, emotions, and feelings.

This chapter will proceed as follows. In the first section, I will describe a recent case in the media involving Aziz Ansari, which I think illustrates the limits of a purely

rationalist account of respect. I will also survey two other cases in the ethics of sex literature, which indicate that, while rational consent is clearly a necessary condition on respectful sex, it is not sufficient for explaining respectful sex. Second, I will expand on why a rationalist account of respectful sex has trouble in explaining why anything other than rational consent is necessary for respectful sex, and so why it cannot account for the three cases I mention in the paper. Then, I will explain why the Respect as Empathy theory can account for why these three cases are disrespectful and lay out four advantages that I think the Care Ethical theory of respect has when applied to the ethics of sex. Last, I will respond to the over-demandingness objection, which, admittedly, might be most worrisome in this applied area.

This chapter is a bit of an aside to the overall moral responsibility agnosticism project here. However, permit me this aside, as I think it will be useful to illustrate how this theory may be advantageous on its own grounds, and specifically advantageous *because* it includes a role for the non-rational parts of our selves. Then, in the next chapter, I will explain why this same aspect of the theory is also what allows the theory to remain moral responsibility agnostic. It's advantageous in numerous ways not to discount the importance of the non-rational parts of our humanity, or to overemphasize the rational part of our human natures at the expense of other parts of our human natures, and in this chapter, I will explain this advantage by applying it to a very non-rational domain: the ethics of sex.

Over-emphasizing rationality in the ethics of sex:

During the #metoo movement there was an eruption of upsetting cases of sexual harassment, sexual assault, and rape. For many of these cases, there was no controversy about whether they were disrespectful or not, because these cases clearly fulfilled the conditions of disrespect as we currently understand it: they lacked consent from the women involved in the encounter. We could all easily conceptualize these cases as disrespect because they lacked consent. However, there was a case involving Aziz Ansari that caused much more controversy and debate as to whether it was morally problematic or not, partly, I think, due to our impoverished theoretical framework of what constitutes respect and disrespect. This incident involved Actor and Comedian Aziz Ansari and a woman, who for anonymity's sake, is referred to as Grace. Here is an excerpt from the initial report of the case:

She remembers feeling uncomfortable at how quickly things escalated. When Ansari told her he was going to grab a condom within minutes of their first kiss, Grace voiced her hesitation explicitly. "I said something like, 'Whoa, let's relax for a sec, let's chill.'" But the main thing was that he wouldn't let her move away from him. She compared the path they cut across his apartment to a football play. "It was 30 minutes of me getting up and moving and him following and sticking his fingers down my throat again. It was really repetitive. It felt like a fucking game." Throughout the course of her short time in the apartment, she says she used verbal and non-verbal cues to indicate how uncomfortable and distressed she was.³³

I have two intuitions about this case. First, my intuition is that Aziz Ansari was less than fully respectful to Grace, but that it was not as extreme of a wrong or as disrespectful as cases that involve a lack consent. Other than a gut reaction, my reasons for thinking that Ansari was disrespectful is due to the fact that he failed to pay attention to her general comfort level, he did not pay attention to what her general desires for the

³³ Katie Way, "I went on a date with Aziz Ansari. It turned into the worst night of my life." <Babe.net>, 2018.

situations were nor what her sexual desires were, and she was forced to take up the burden of continually and constantly saying no, and asking if he could please take it slower.

Yet, if we only look at the condition of consent for respect, it is not obvious that we can count this as a case of disrespect. Ansari did not coerce her with deception, threats, or violence.³⁴ She was not in the conditions where she had no idea what was going on and unable to make a rational decision. She was allowed to say no and leave the apartment at any point, which she eventually did. However, as I mentioned, Ansari was massively and overbearingly persistent with his wishes, without taking into account this woman's feelings of general comfort, let alone her sexual desires.

I want to argue that this case shows us two things. First, it illustrates the need for us to rethink our concept of respect and get out from under a completely rationalistic Kantian framework of respect. This case demonstrates a need for a concept of respect that says we must recognize another's rational consent *and* we must pay attention to another person's particular perspective, feelings, and desires. Second, it shows that we need a theory that allows for different kinds and different degrees of disrespect.

Some have argued that this case did involve a lack of consent, and as such the Kantian theory of respect would have no trouble explaining why this case is disrespectful. However, I worry about this characterization of the case. This case should be classified as disrespectful, and I don't think the classification as such should hinge *only* on this consent question. This is a case of disrespect because Ansari should have empathized with how this woman felt, and what her desires and wishes for the situation were.

³⁴ Thomas Mappes, "Sexual Morality and the Concept of Using Another Person," *The Philosophy of Sex: Contemporary Readings*, ed. Raja Halwani and Alan Soble (Roman and Littlefield, 2017) 273-292.

Consent is one important question to ask, but I just don't think it is the whole story to understanding the underlying problems here. I also think there are important reasons to differentiate this kind of case from cases like rape, which do lack consent. Although disrespectful, we need to be able to talk about rape as a particularly horrendous harm and a particularly horrendous lack of recognition of another's humanity (meaning this is particularly disrespectful). In the end, I suspect many were arguing this case lacked consent because of our impoverished framework about what constitutes respect combined with the (I think correct) intuition that Ansari was far from fully respectful. If one wanted to classify this as a case of disrespect, then one *had* to say that this lacked rational consent, since rational consent is all that we (mistakenly) think that respect calls for.

The other side argued that Ansari was guilty of nothing but being attracted to this woman, and we certainly do not want to say that attraction, in and of itself, is disrespectful. Many argue that as he did not rape this woman, giving her the freedom to say no and leave, and now that Ansari was being publicly humiliated for having merely physically bad sex, and that there was nothing morally problematic about what he did. I certainly do not want to hold that mere attraction is necessarily objectifying or disrespectful. However, I do not think that Ansari's case reflects a case of mere attraction. It represents a case of attraction plus actively pursuing his object of attraction without taking in or really having any regard for her particular perspective, wishes, desires, or comfort. Having an attraction and even acting on that attraction by asking somebody out to dinner is one thing. When that woman says no, and one is completely unreceptive to this answer, and then proceeds to constantly ask her again and again and again, and does not take in her feelings of discomfort, then it becomes a case of

disrespect in my view. I suspect at least some who defended the position that Ansari did nothing disrespectful at all may have done so because they felt bad for Ansari for being counted among those like Harvey Weinstein and others who were coming to light around the same time. I think one could rightly say that grouping him with a person like that may be unfair. I suspect that our impoverished, black and white conceptual framework for disrespect made it difficult for those people to defend Ansari against too strong of accusations without needing to just say “he did nothing wrong.”

This case shows two important things. First, we need a concept of respectful sex that calls for more than recognizing another’s rational consent (although it should retain this as a necessary feature). I expect if we really want to respect somebody, we need not only to recognize their rational capacity, but also their particular perspective, bodily desires, and emotions as well. Respect as empathy does just this, as we saw in the last chapter.

Second, we need a theory of respect that can account for different types of disrespect and different degrees of disrespect. Ansari may not have raped this woman, but it sounds like he may have seen Grace as a way of achieving his own desire to have sexual pleasure without taking into account her subjective desires of sexual pleasure, or even her feelings of general comfort. This sounds like a problematic case of objectification to me. It is important to differentiate this kind of disrespect from disrespect that involves a lack of consent, and it is also important to be able to explain why cases like rape, which do involve a lack of consent, are particularly horrendous and more disrespectful. If rational consent is the only criterion of respect, then it’s unclear what differentiates disrespect by objectification and disrespect in the form of rape. It is

also unclear why some forms of disrespectful sex are worse than other forms of disrespect. I argue that respect as empathy can allow for these crucial distinctions.

Providing a theory of respect that allows for this kind of differentiation among concepts may seem like a small point, but it is not small at all. Concepts give us an ability to describe and explain experiences in a way that can be understood by others. In Ansari's apology he states, "We went out to dinner, and afterwards we ended up engaging in sexual activity, which by all indications was completely consensual." Ansari responds by way of saying that what he did was consensual, so it was not rape, and therefore there was nothing morally problematic. It shows that the Kantian conditions for respectful sex have been taken up by society, and that they do not have the full explanatory power we want them to have in differentiating kinds of disrespectful sexual encounters. Ansari fails to admit that he may not have taken into account factors other than this woman's rational will, like her feelings of comfort, her desires for the situation, nor her sexual desires. Moreover, we are failing to be able to accuse Ansari of disrespecting and objectifying this woman in a harmful way, without having to also put him in the same category as those who have done something much worse, which may also be unfair to Ansari. We clearly need to be able to explain different kinds of and degrees of disrespect.

One side says: "there was something unfair and wrong happened to me." The other side responds: "I gave you the opportunity to say no, so you can't blame me for rape." As I watched this debate unfold, it looked to me that the two sides were talking past each other because they are using different criterion for ethical sex, and that it was

the lack of the right concept of respect was the culprit. We need the right theory of respect or we will fail to make progress.

It may sound as though I am picking out one small and isolated case when it comes to disrespect in the realm of sex. This is not so. The Ansari case made a huge splash in the media precisely because it was a kind of case that women far too readily identified with. Countless similar stories came out by other women, indicating that this kind of sexual encounter is the norm, not a strange exception in our current hookup culture. “To many women, including myself, an aggressive and humiliating sexual encounter seems all too familiar,” says one article.³⁵ It is clear that this case is just a representative case of something that is the norm in current western hook-up culture. This idea that once we have consent that anything goes, and any way we view another is morally permissible and respectful.

I am not the first to point out that consent is not enough to explain the ethics of sex. Seiriol Morgan argues that consensual sex isn't sufficient for respectful sex. He uses an example from *Dangerous Liaisons*, in which the Vicomte sexually pursues Madame de Tourvel. Vicomte's goal is not to have sex with her against her will, but rather his goal is to get her to consent to having sexual relations with him despite her and his own (old-fashioned and sexist) ideas that this will ruin her virtue. Yet, Morgan argues that Vicomte still treats his conquest disrespectfully. Vicomte sees "his relations with women as a kind of battle, in which his goal is to manipulate them through techniques of seduction into gratifying his sexual desire [and triumphing over them]. Meanwhile he retains the attitude that women who consent to sexual intercourse outside of certain

³⁵ Manisha Krishnan. “Aziz Ansari didn't do anything illegal, but that's not the point,” <<https://www.vice.com>>, 2018.

strictly defined parameters are contemptible. What he wants to do, then, is to persuade women to collude in what he sees as their own degradation."³⁶ Although Vicomte recognizes her consent, Vicomte still fails to fully respect Tourvel.

Robin West discusses another kind of case, where consent does not fully explain the morality of sex. She points out that "women who engage in unpleasurable, undesired, but consensual sex may sustain real injuries to their sense of selfhood in many ways."³⁷ Her worry is about the consequential harms these women may face. However, it seems to me that, if one is in a sexual relationship with another person, and only pays attention to their partner's rational consent, and fails to give any weight to their partner's person's bodily desires, this is not only a matter of possible harm, but this is also a matter of respect for your partner. Aren't her particular desires, and perspective just as important as her rational consent?

Ann Cahill provides a similar worry, but this time directed at the underlying idea of Kantian respect in the ethics of sex, which she argues that Kantian moral theory fails to take into account the material aspects of our selfhood. She argues, "any sexual ethics worth its mettle cannot place itself in direct opposition to the body and its importance to the human self."³⁸ This kind of framework does not adequately account for the bodily, and "distinctly carnal" aspects of sex, nor the way in which "being treated as a body, as an incarnate and carnal subject, are not only not degrading, but deeply pleasurable."³⁹ A

³⁶ Seiriol Morgan, "Dark Desires," *The Philosophy of Sex: Contemporary Readings*, ed. Raja Halwani and Alan Soble (Roman and Littlefield, 2017) 356.

³⁷ Robin West. "The Harms of Consensual Sex." *The Philosophy of Sex: Contemporary Readings*, ed. Raja Halwani and Alan Soble (Rowman and Littlefield, 2017) 371-7.

³⁸ Ann Cahill. *Overcoming Objectification: A Carnal Ethics* (Routledge 2012) ix.

³⁹ Cahill x.

recognition of another as a rational creature just is not enough to explain respect in this realm as it devalues other parts of our natures.

What I want to do is argue that the respect as empathy view is not similarly subject to this problem. It shows that we must move beyond a merely Kantian rationalist approach to respect and we must provide a theory of respect that includes a role for paying attention to another's emotions, bodily desires, and the general perspective. In particular, it shows that *empathizing* with another person's perspective, feelings, emotions, and bodily desires must, at least sometimes, be necessary for respect.

Kantian Respect

Let me first explain why the traditional theory of respect, a Kantian rationalist respect, has trouble accounting for cases like the Aziz Ansari case above. As explained in the last chapter, Kant's rationalist theory of respect comes down to recognition of another's autonomous will. We should not undermine another's rational nature or decisions.

Kant not only leaves out the importance of our desires in understanding respect in the realm of sex, but he actually left sex out altogether. Kant himself famously thought there is something inherently disrespectful in sex and sexual attraction by the nature of what it is. According to Kant, "When a man wishes to satisfy his desire, and a woman hers, they stimulate each other's desire; their inclinations meet, but their object is not human nature but sex, and each of them dishonours the human nature of the other. They make of humanity an instrument for the satisfaction of their lusts and inclinations, and

dishonour it by placing it on a level with animal nature."⁴⁰ Of course, most people think that Kant was a bit too pessimistic about the nature of sex, so there is no need to hold all rationalists to this extreme view. But, none-the-less, a tension between Kantian rationalist respect and sex still exists.

The tension is this: If our understanding of respect amounts to recognizing a person's rational capacity, how can we respect a person while simultaneously being sexually attracted to this person? In sex and sexual attraction our attention is on our own and another's body and bodily desires. There is, at least, a *prima facie* tension between respecting a person (defined as recognizing another's rational capacity), and viewing another as a sexually attractive body.

Contemporary Kantians resolve this tension by emphasizing rational consent in sex. We recognize another's rational nature and autonomous decision by way recognizing another's rational consent to participate in sexual activity. We can permissibly see another as a means to our end of gaining sexual pleasure as long as we also do not see them as *merely* a means to this end. This means simultaneously recognizing them as an end (a being with rational capacity). As long as a person rationally consents to a sexual encounter, then we can say that we have respected the person by recognizing this person's autonomous decision. It is important to note that emphasizing the importance of rational consent to respectful sex has been taken up by lawmakers and in culture at large and it has done a lot to aid feminist progress. Any theory of respect must also emphasize the importance of consent if it is to be taken seriously as a competitor to the classic model, and as such, I will return to this point at the end of the chapter.

⁴⁰ Immanuel Kant, *Lectures on Ethics*, trans. Louis Infield (Indianapolis, Ind.: Hackett, 1963) 164.

However, this is where the explanation of respectful sex seems to stop, and this is why the Kantian rationalist framework for respect has trouble classifying cases like the Aziz Ansari case, the Dangerous Liaisons case, and the undesiring partner case as cases of disrespect. Consent alone and the underlying rationalist theory of respect is not enough to explain respectful sex. I want to argue that this shows that we need to understand respect not as just a recognition of another person as a rational being, but we need a concept of respect that calls for empathizing with another's non-rational side as well, including her desires, emotions, and unique perspective.

Empathy as Respect

Incorporating the idea that empathizing with another person's general perspective, including her feelings, emotions, desires, and general subjective experience constitutes respect for another can help us more accurately understand why the three cases above should be considered a kind of disrespect. If we include the idea that empathy constitutes a type of respect, this would explain why respect involves recognizing another's rational will, but also must involve recognizing another as a person with a unique perspective, subjective experience, and emotions, desires and feelings.

Since one's rational will is often a part of a person's perspective (and the rational decision of whether one wants to engage in the act, is always a part of one's perspective), the Empathy as Respect theory still says that consent must be a necessary feature of respect. Yet, it goes further than this. We must empathize not just with that a person's rational will or their rational consent, but, in addition, we must also try to understand

their general perspective, feelings, emotions, attitudes, and desires as well. We should recognize these and give them a positive weight in our mind (as the context dictates).

Accounting for the Three Cases:

I started the chapter with three examples of disrespectful sex, which I thought a rationalistic theory had trouble accounting for: The *Dangerous Liaisons* case, the case of the consenting but undesiring partner, and the Aziz Ansari case. Let me now explain why I think the Respect as Empathy Theory can account for the fact that these cases are disrespectful.

In the *Dangerous Liaisons* case, the respect as empathy view would count Vicomte's behavior towards Madame de Tourvel disrespectful. Vicomte should see her more than simply as a being able to rationally consent, but he should empathize with her desires to maintain her feelings of virtue about herself (even if we find this old-fashioned). He certainly should not delight in persuading her to collude in something he knows she might consider degrading and cause her conflicted and painful feelings at the time and purely painful feelings in the long-run. According to the Empathy as Respect theory, we should not just recognize another person as a being that can rationally consent to a sexual encounter, but we must recognize another person as a being with a full subjective experience, and understand and give a kind of emotional weight to all of her feelings about a certain sexual encounter.

In the case of the undesiring partner, this may also constitute disrespect depending on the particulars of the context and the case. If the partner is empathic to his partner's lack of desire, and he is thus motivated either to try to change this situation, or the partner

is truly okay with making this sacrifice for the good of the partnership, while still working together to change it, then it may not qualify as disrespectful. However, if the partner has no empathy with the partner's sexual desires, and does not mind that the partner lacks sexual satisfaction, then this clearly constitutes a case of disrespect for the Care Ethicist.

Lastly, I think the empathy as respect theory also counts the Aziz Ansari case as a failure of respect. It's clear Ansari lacked empathy with this woman's sexual desires, and even basic comfort level. If you fail to give positive emotional weight to another person's perspective and sexual desires in the context of trying to initiate a sexual encounter with them, then this is a failure of respect for the respect as empathy theory. It is compatible to say that Ansari did pay attention to this woman as a rationally consenting individual, giving her the opportunity to say no (which she constantly had to do, until she eventually left the apartment altogether), and yet, he simultaneously failed to respect her (in the Respect as Empathy view). He failed to respect her because he failed to give her *desires* and *feelings* any emotional weight or attention in their own right.

Advantage One: Adding the Non-Rational in the Object of Respect

The Care Ethical account of respect can count these cases as disrespectful because, as discussed in the last chapter, Respect as Empathy leaves room for the non-rational in the object of respect. For the rationalist, the object of respect is the autonomy of a person. For the Empathizer, the object of respect is the person's particular perspective, including her desires, long-term values, attitudes, feelings, and the rational will in so far as it affects our subjective experience (and when it comes to our rational

decisions about our sex-life, then this is a context where the rational will always affects our subjective experience). So, the object of respect includes rational and non-rational aspects of a person. (In addition, it is not the general capacity but the *particular* desires, feelings, will, etc. that are the object of respect, but I will come to this next.)

By adding the non-rational element to the object of respect, respect as empathy explains very easily what seemed so difficult to explain before we had the right conceptual framework: we can fail to be fully respectful to another in sex and sexual attraction not just by failing to recognize another's rational consent, but by failing to empathize with another's emotions and bodily desires as well. If we are in the situation where somebody's sexual desires are salient and the part of our humanity at issue, shouldn't respect entail that we must give this aspect of their humanity special recognition? The Respect as Empathy theory allows us to make sense of this idea. If we are really respecting a person within the context of sex, shouldn't we recognize this person as a rational being and as a *desiring* being?

This allows us to make sense of the idea that our carnal desires are a morally relevant in the context of sex. According to Cahill, "Ethical sexual interactions were to be marked by a recognition of interior worth or dignity, grounded in respect for autonomy warranted by the capacity for reason, with little to no attention paid to distinctly carnal dynamics."⁴¹ I argue that the idea of including Empathy as a kind of respect finally provides an alternative conceptual framework that answers this problem. It does account for some of "the distinctly carnal dynamics" by saying, in order to respect a person within the context of sex, we must recognize another person's particular sexual desires as just as

⁴¹ Cahill ix.

important as their rational capacity. Isn't it intuitive to think that one's sexual desires are a morally relevant detail when it comes to respect in the context of sex?⁴²

Advantage Two: The Object of Respect and the Particulars

As I mentioned in the last chapter, the Care Ethical theory of Respect as Empathy differs from a purely rationalist account because it says the object of respect must involve the non-rational, but also because it says one must respect the *particulars* of another's perspective. I argued that this has a general advantage because this means that respect involves seeing what is unique about others rather than only what is the same about everybody. It seems that this is what we want from a theory of respect.

But when it comes to sex, this worry becomes even more powerful. In order to respect a person in the realm of sex and sexual attraction we should have the object of respect as the person herself in all of her uniqueness and particularity and not some aspect of the person that we all share. Otherwise we can have a view of somebody as completely interchangeable with any other person with a rational capacity who consents to our sexual proposition and still say that we have been fully respectful. But this is clearly not a respectful way to view somebody. This just is a kind of problematic objectification.

Nussbaum calls this type of objectification fungibility, which happens when "the objectifier treats the object as interchangeable (a) with other objects of the same type, and/or (b) with objects of other types."⁴³ This sounds like a disrespectful attitude to have

⁴² Cahill points out that not accounting for this part of our humanity in a theory of respect makes it hard to explain why it can be just as damaging to never be seen as sexualized, as it is to be seen as overly sexualized.

⁴³ Martha Nussbaum. "Objectification." *Philosophy and Public Affairs* 24.4 (1995): 257.

towards somebody in the context of sex. Are we really respecting a person if we just see her as a rational will that might consent to fulfill our pleasure, and interchangeable with any other rationally consenting individual? It is not clear that rationalist respect can adequately account for this, since the object of respect is the general capacity for rationality that we all share. Kantian respect doesn't go as far as we would like it to in the ethics of sex. We should strive to recognize the person in all of her particular uniqueness as well.

For the Respect as Empathy theorist, it is not conceptually possible to see a person as interchangeable with any other consenting adult and still say you have fully respected her. The object of respect, for the Respect as Empathy theorist, is the *particular* desires, wishes, will, etc of the respected. As such, it asks us to focus on what makes the person unique and particular, rather than a general capacity she has. So, Respect as Empathy avoids this worrisome implication.

Advantage Three: Dignity and the Non-rational

There is another advantage here that I think the Respect as Empathy theory has in explaining the ethics of sex, precisely because it includes a role for our non-rational natures in its account of dignity. According to the Respect as Empathy approach, viewing somebody as a sexual being is not necessarily at odds with respecting this person (it may be if you do so without empathy, but it is not necessarily and by its very nature at odds). As mentioned above, for the rationalist approach, viewing somebody as a sexual being is at least at least *prima facie* at odds with respecting a person. How do we both

recognize another as a rational being and see them (for a time) as primarily an object of your sexual attraction?

The Care Ethicist does not have this same kind of conflict between dignity and one's sexuality. This is because it includes the non-rational part of our humanity in its theory of what constitutes our dignity and worth. For the Care Ethicist, our dignity comes from the fact that we have a subjectivity. This means that our non-rational desires, wishes and even sexuality are all a part of what gives us dignity and worth. It is not merely our rational natures that make us special and worthy of respect. As such, our sexual nature is not counted as a bad or undignified aspect of our selves because of its non-rational status.

Ann Cahill and Linda Lemoncheck argue that seeing dignity as contrary to our sexuality is not only just unintuitive and out-dated, but that this assumption has had sexist ramifications. Cahill draws on LeMoncheck's analysis, who thinks that our assumptions that "sex is dirty, sinful or evil" leads to cultural norms that categorizes women as falling into two classes based on their sexual desire: "good and bad, virgin and whore, women on pedestals and women in gutters. Moreover, according to one extreme of this tradition, only "bad" women seek desire, or enjoy sex, while "good" women merely "tolerate" sexual advances..."⁴⁴

The problem, Cahill argues, is in the classification of sex as inherently degrading and contrary to recognizing another's dignity. Within this narrative, Cahill thinks that women are presented with two choices "either to be sexual, and therefore be degraded and considered a moral unequal, or refuse sexuality, thus limiting their scope of personal

⁴⁴ Linda LeMoncheck, *Dehumanizing Women: Treating Persons as Sex Objects* (Rowman & Allanheld, 1985) 48.

expression considerably."⁴⁵ One response to this sexist narrative would be to equally apply this dichotomy to men. However, I agree with Cahill and think that the best way to remedy this sexist narrative would be to get rid of this false dichotomy altogether, and provide an account of respect that does not take sex to be degrading and necessarily (by its very nature) at odds with a theory of our dignity.

Our entire complex subjective experiences make us worthy of respect. It isn't just our rationality. As such, the Care Ethicist does not need to count a non-rational part of life like sex or sexual attraction as inherently disrespectful or a degrading part of our nature. Rather, it is only disrespectful when one pursues this interest without empathizing with the other.

Advantage Four: Respect as a Matter of Degree

There is one last, but very important advantage for the Respect as Empathy theory. At the beginning, I argued that it was crucial not only for a theory of respect to be able to count the Ansari case as disrespectful, but that it was also important for a theory to be able to classify types and degrees of disrespect. Respect and Empathy can do this. As such, it can say that although what Ansari did was disrespectful, that it was not the same level of disrespect as a case of rape. As mentioned above, I think there is good reason to want to differentiate these cases as a difference of kind and a difference of degree. This is important for at least three reasons. First, to recognize the particularly horrendous harms that rape involves. Second, because it may be unfair to accuse Ansari of the wrong degree of disrespect, but equally unfair to not be able to accuse him of disrespect at all. Third, if we do accuse all disrespectful agents of the same kind of

⁴⁵ Cahill 11.

disrespect (namely the same kind of disrespect as rapists), it may cause defensiveness and a refusal to engage in dialogue, apology, and finding a solution to the problem. Assailants may wish to spend their time denying that they engaged in rape (which is exactly what Ansari did), rather than reflecting on whether they did act fully respectful, and how they can act more respectfully in the future.

Respect as Empathy can account for degrees of disrespect, and even degrees of disrespect that eventually become a difference of kind. Empathy is something that comes in degrees. You can have more or less of a lack of empathy with others. At some point, I think this difference of degrees allows for differences of kind, by differentiating when somebody lacked empathy as opposed to when somebody displayed outright malice.

If one fails to pick up on some of the particulars of another person's desires, this may be relatively minor to an inconsequential case of disrespect. If one does *not even try* to pick up on another's particular desires or even their general comfort level in a sexual encounter this displays less empathy still and, as such, is more disrespectful. (This sounds like at least one plausible interpretation of the Ansari case.) If one does not give a person room to say yes or no to a sexual encounter at all, this displays not only a lack for some aspect of another's particular point of view, but it displays a disregard for the fact that a person has a subjectivity worth empathizing with at all. At this point, I think a lack of empathy turns to outright malice. Indicating that this is not only a worse degree of disrespect, but also this difference in degree translates to a difference in the kind of disrespect. More needs to be said here, but I think that Respect as Empathy theorist has the theoretical tools for differentiating between degrees and kinds of disrespect.

I think a Kantian will be hard pressed to explain degrees of respect at all, let alone in the context of the ethics of sex. It seems like you either recognize an agent as rational or you don't. But more importantly, I think you either have consent or don't. I think there is really important reasons that we see consent as a yes or no issue. We would be very suspicious if we started hearing "well, I sort of had consent." I don't think consent is, and nor do we want it to be, a matter of degree.

Objections and Responses

Consent

Let me end by responding to some objections a rationalist respect theorist might present. First of all, if Empathy as respect is really going to stand up to Kantian respect in understanding the ethics of sex, it can't ignore the important role that consent plays in sexual ethics. Consent must be considered a necessary feature in understanding respect when it comes to sexual ethics. In fact, it needs to be able to say that consent is not only a necessary feature of respect in sex, but that it has a special place in sexual ethics. I think the Respect as Empathy view can account for this. Part of empathy is recognizing and giving positive weight in our minds to what one rationally wills, and as such their rational decision matters. The Respect as Empathy account will indeed take consent as a necessary feature of respect.

Moreover, it will play not just a necessary role, but a particularly important role. As mentioned above, Respect as Empathy can allow for degrees of respect, and the worst kind of disrespect consists in failing to even give a person room to say yes or no to a sexual encounter. To fail to do this, disregards not only the particulars of another's

subjective experience, but it disregards the fact that another person has a subjective experience with which they need to empathize with altogether. If you want to empathize with another's perspective in the realm of sexual ethics, the very first step just must be "do you want to do this at all?" Then we can go into the particulars of each other's comfort, desires, feelings, etc. So, I think the Respect as Empathy theory can account for the importance of consent as a first and most important step, but it goes further captures the importance of another's desires, feelings and general perspective in the ethics of sex as well.

Over-demandingness Again

A second objection a rationalist respect theorist might raise is an over-demandingness one. And there is no context more worrisome to have an over-demandingness objection than in the context of sex. One might object that Respect as Empathy implies that if somebody has sexual attraction to you and that attraction is obvious or salient, that you must then empathize with her sexual attraction, and that you are therefore being disrespectful if you don't sleep with her. For instance, a way of phrasing this objection is that perhaps Grace wasn't empathizing with Ansari's desire to have sex, and so she was being disrespectful.

If I thought the Respect as Empathy theory implied that this was the case, this would be a devastating objection indeed. So much so, that it might not be worth pursuing the theory further. However, I think the Respect as Empathy theory can say a few things to mitigate this worry.

First of all, for the Respect as Empathy theorist, context is going to play a huge role in deciding what constitutes a lack of empathy with another person. It is important to remember that the contextual features of a situation determine what particular emotions, desires, feelings, etc we must empathize with. You are not obligated to walk up to strangers and ask them about their sexual desires and empathize with these. However, if you are in a context where you are already considering having sex with somebody, then it's clear that this is a context where one must take seriously another person's sexual desires. So, in most contexts, it doesn't matter what somebody's sexual interest is. In fact, if you are in the context of, say, a work environment, and they start making this interest known in a way that starts to feel uncomfortable or unprofessional, they will be the one lacking empathy for you.

Second, as I mentioned in the last chapter, one needs to have a self and a perspective from which to empathize with others. If you merely take on anybody's views around you, this really isn't the kind of genuine empathic connection between yourself and another that the Care Ethicist is interested in. Sex is an especially personal matter, it can come with risks, and it is quite important to our selfhood. So, this would truly be a context where one should give their own desires, wishes and rational decisions priority. The context of sexual interest, I think it is safe to say that it is never obligatory to do what one doesn't want to do.

The full answer to this objection probably needs to involve a theory of self-respect. Although I don't have time to develop such a view of self-respect here, it seems intuitive to think that self-respect must include a component that involves understanding

and taking seriously the particulars of your own rational and *non-rational* perspective.⁴⁶ In fact, the Respect as Empathy theory could give an account of self-respect as giving emotional weight to your own perspective, including your own desires, feelings, perspective and rational will. This would mean that as a self-respecting individual you should take seriously your own sexual desires. This understanding of self-respect may have advantages over a purely rationalist theory of self-respect as well, and I'd like to pursue this idea in a new project.

My main point here is that one does not need to say that Respect as Empathy means putting another person's perspective above your own. It simply means that you keep the two in balance and be receptive to another person's perspective, as it is relevant in the context. When it comes to the context of sex, it should be the case where you are never obligated to have sex or do a sexual act that you don't want to. Bodily integrity is just going to outweigh the importance of somebody's momentary wish for desire fulfilled in a certain way. And if somebody isn't empathic with your feelings of bodily integrity while only focused on their short-term pleasure, they will be lacking empathy with something of fundamental importance to the other person.

And if another person is not receptive to your lack of desire or interest at all, then this person is not empathizing with your perspective and is not respecting you. Every theory of respect must find a way of exempting cases where we must respect another person's *immoral* wishes. I do think the Respect as Empathy theorist does have some interesting stuff to say about this.

⁴⁶ Empathy with oneself may or may not be possible, but this will have to be explored at a later time. Perhaps it is possible to have empathy with a later version of yourself, and this is involved in self-respect. Or, perhaps, it isn't grounded in empathy but in recognizing and taking seriously both your own rational will but also your non-rational desires, feelings, values, etc..

For Care Ethics, the way of understanding why we don't have to respect another's immoral desires has to do with its theory of disapproval, which I will discuss in later chapters. If one empathizes with another person who is lacking empathy, this will automatically lead us to feelings of moral disapproval, which will block our motivation to help this person. If one empathizes with another's lack of empathy (even for you) it should not motivate you to act so as to help the agent, but rather cause in you a feeling of disapproval. The details of Care Ethical moral disapproval will be spelled out in chapter four, but for now it shows that the Respect as Empathy theorist need not say that we have to empathize with another person's perspective, if that perspective itself lacks empathy and respect for others or for yourself.

Concluding remarks

Overall, I have argued that the classic theory of rationalist respect is inadequate when it comes to understanding respectful sexual encounters. Rationalist respect in its classic form implies that consent is all that matters in understanding respectful sex. This just leaves us with an impoverished conceptual framework that makes it impossible to explain why cases, like the Aziz Ansari case, are disrespectful, but less disrespectful than cases of rape. I argue that this illustrates an advantage for the respect as empathy theory. It can explain why, in sexual encounters, we must not just see another person as a consenting individual, but we must see her as an individual with a particular perspective, subjective desires, and emotions. This theory allows us to more easily understand why there is more to respectful sex than consent. It allows us to understand degrees of respect and disrespect. And, it allows us to see why our sexual nature is not by its very nature

immoral and degrading. It is only immoral and degrading when we let our selfish desires block our ability to empathize with another.

Chapter 4

Respect with No Responsibility

In the last two chapters, I defended the Care Ethical theory of respect as empathy, arguing that it has advantages over a purely rationalist approach, because it does not discount the importance of the non-rational to our human dignity, or what about us is the object of respect. We think we should respect another's feelings, desires and perspective in addition to their autonomous will. In this chapter, I want to explain what this has to do with Moral Responsibility and Free Will Agnosticism. I think that this theory of respect, because of the accompanying account of non-rational dignity (the feature of us which obligates that we be respected), is better able to remain agnostic about moral responsibility than a purely rationalist approach to respect.

In the first section, I will explain the worry many philosophers raise, which says that, if it turns out that we do not have free will, we will lose our motivation or grounding to the objection to respect each other. I will argue that this worry really only applies to a rationalist theory of respect and dignity. Since Respect as Empathy does not say that autonomous control grounds the obligation to be respected, it can avoid the question of whether autonomy presupposes free will altogether. In the second section, I will discuss relational autonomy, which freely accepts that our rational ability is not enough for autonomy and ask if a rationalist theory of respect could incorporate such a view to get around my objections. I will argue that if relational autonomy shows that our autonomy isn't fully up to us, then this is just another worry for thinking that autonomy can ground our dignity and the obligation to respect. In the last section, I will respond to some objections to my theory of dignity.

Respecting a person without free will

Moral Motivation

Let me start by explaining why Care Ethical respect is better able to remain agnostic about free will and moral responsibility than a rationalist account of respect. It remains agnostic in at least two ways. First of all, a person does not need to hold any beliefs (whether true or false) or feelings about freedom, control, or moral responsibility in order to explain why we should be *motivated* to respect others.

It should be noted that Care and Empathy are direct and immediate motivating forces. There exists a worry, which some raise, that if one is never deserves to be blamed or praised for one's behavior, and one comes to know or believe this, that they will stop having as much motivation to act morally. This just isn't nearly as much of a worry for Care Ethics in general, nor for Care Ethical Respect. Many have pointed out that even if moral responsibility skepticism is true, it will not undermine moral motivations stemming from direct care and empathy for others, but rather this belief would only undermine motivations to avoid deserved blame and/or punishment. Since Care Ethics says that respect just is empathy, then it seems that this worry about how free will might undermine our motivation to respect each other just isn't as applicable to Care Ethical respect. Moral motivations by way of direct empathy and care are unaffected by beliefs about deserved punishment and blame. If I empathize or care for somebody, I'm going to be motivated to act on this no matter what. Questions about responsibility or deserved punishment are going to be irrelevant to my mind.

The Worry:

Second, the Care Ethical Theory of respect need not make any assumptions about whether free will exists or not in order to justify and ground the obligation to respect each other. The Care Ethical view of respect is independent of the free will debate, and, therefore, avoids a set of very contentious assumptions involving metaphysical debates about free will, psychological debates about beliefs in free will and moral motivation, and philosophical debates about which theory of moral responsibility is correct. If all else is equal, I think that we should prefer a theory that makes fewer contentious assumptions.

Let me start by explaining why some argue that if it turns out we are not morally responsible this might entirely undermine our obligation to respect each other. According to Saul Smilansky, “We can hardly continue to respect ourselves in the same way if we really internalize the belief that all action and achievement is ultimately down to luck and not ultimately attributable to us.”⁴⁷ His worry also applies to other agents. The idea is that if we do not see ourselves or other agents as responsible and/or their will as free, then we might start to see agents as merely causes of consequences no different from other causal factors that lead to outcomes. If we see each other as merely causes of certain effects, then it at least looks mysterious as to how we can do this and be recognizing the other as an autonomous agent. Rationalist respect consists in the recognition of another’s humanity as a free and rational agent. Therefore, we are failing to give each other the special kind of recognition and attention that is characteristic of respect when we view a person through a responsibility skeptical lens. We would see each other as mere cogs in a larger machine rather than as autonomous agents.

⁴⁷ Saul Smilansky, *Free Will and Illusion* (Oxford: Clarendon, 2000) 228.

Why Respect as Empathy is Not Susceptible:

But notice Smilansky's argument assumes a rationalist account of respect and dignity. It assumes that our dignity and the obligation to respect each other is grounded in our status as free and rational, and it says that a lack of respect consists in failing to recognize another as this kind of free and rational being with autonomy. But I have argued that there are good independent reasons to think this is not the only theory of respect or dignity worth taking seriously.

The respect as empathy theory avoids this worry entirely. This is because Care Ethics does not explain the obligation to respect in terms of rational autonomy. Care Ethics can explain the importance of respect, and indeed why we should have strong motivation to respect each other, without relying on any metaphysical truths about free will and without needing to hold any belief about free will. In other words, one can stay agnostic, that is, commit to no beliefs nor have any feelings, about the whole debate, and it really won't even touch issues about the obligation nor their motivation to respect each other.

This is due to the fact that the Care Ethicist grounds our dignity in terms of our subjectivity, not in terms of our free and rational ability to do anything. For the Care Ethicist the fact that a subject has a subjective experience obligates us to respect, and our natural ability for emotional connection to others through empathy motivates us to respect each other. Our dignity (understood as the feature about us, which obligates others to respect us) has nothing to do with our ability to *control* our actions through the rational will.

Smilansky's argument depends on a certain characterization of the obligating feature of respect. If our obligation to respect comes from our free and rational autonomy, and the activity of respect involves a recognition of another as free and rationally autonomous, then the idea that the rational will does not give us this kind of free control or autonomy we initially thought it did is a serious worry, which demands a response and is up for debate at the very least.

On the other hand, the Care Ethicist says that the obligation to respect is grounded in our having a subjectivity and being connected through empathy, and, as such, Smilansky's worry vanishes completely. The Care Ethicist's account of respect is impervious to this worry because it grounds our obligation to respect in terms of the fact that we have a subjectivity rather than in terms of our ability for free and rational control. For the Care Ethicist, the question of whether we need free will in order to be the kind of autonomous agents that has dignity and deserves respect just completely drops out of the picture.

Many rationalist respect theorists happily accept free will and/or moral responsibility assumptions. Stephen Darwall specifically acknowledges that we must make certain presuppositions about free will in order to understand our obligation to respect one another. According to Darwall, "any second-personal claim or "summons" presupposes a common competence, authority, and, therefore, responsibility as free and rational, a mutual second-personality that addresser and addressee share and that is appropriately recognized reciprocally."⁴⁸ In other words, he thinks that to be in a second-personal relation is to have a mutual accountability to hold each other responsible. He

⁴⁸ Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Harvard University Press, 2006) 21.

says, "Addressing second-personal reasons of any kind, I argue, always carries certain presuppositions concerning the second-personal authority, competence, and responsibility of addresser and addressee alike."⁴⁹ The second-personal authority, which he thinks grounds our dignity just is our mutual ability to hold each other responsible as free and rational agents. Darwall and many other Kantians bite the bullet and say that the obligation and our motivation to respect others presuppose free will, or at least some kind of theory of moral responsibility. I noted in Chapter One, Darwall's account of respect may share some advantages with the one I am defending here, as he does include a role for empathy, but it is an epistemic role. However, it is a distinct theory, which does not share all of the advantages I've argued for in the last few chapters, and it certainly would not be Moral Responsibility Agnostic in the way Respect as Empathy is.

Kantian Replies:

However, not all think that rationalist respect need make any metaphysical assumptions about the truth of free will or moral responsibility. Some have argued that all Kant really needs for his theory of respect is *the feeling or the practical belief* that we can freely choose to act morally. The idea is that morality, including the duty to respect, does not rely on an assumption that free will actually exists, but rather that it relies only on the *feeling* that we are free. As Korsgaard puts her interpretation of Kant, "in a sense Kant's answer to the question whether it matters if we are in fact (theoretically) free is that it does not matter." Instead, what matters most is that "we are able to act

⁴⁹ Darwall *The Second-Person Standpoint* 20.

exactly as we would if we were free, under the influence of the idea of freedom."⁵⁰ As long as we feel that we can freely choose to act upon the moral law, and are acting under the idea of freedom, this is enough for Kant's moral theory, including his theory of respect to be grounded.

First, even if this argument does work, and the Kantian need not rely on any more metaphysical assumptions, it does still rely on us taking up more *beliefs* or at least *feelings* about freedom in order for this theory of respect to stand, and for us to be motivated to respect each other. In fact, this is what Smilansky explicitly defends. Smilansky thinks that even if we don't have free will, we should act and talk as if we do, and, if we do not, this will start to degrade our moral systems. So, although the theory may not make metaphysical assumptions, it seems that a moral agent cannot stay fully agnostic about having a feeling or sense of freedom. So, this is still one less contentious belief about free will that the Care Ethicist needs to appeal to, and it does not show the full Moral Responsibility Agnosticism I argue for.

The Care Ethicist can say that from the person's standpoint we can understand the obligation to respect and have the motivation to respect without needing to say anything about any feelings of or beliefs about freedom. Really the issue of freedom is just beside the point. If one has a subjectivity, then this subject deserves respect. It doesn't matter if they have free will or not. Their status as free is not a relevant detail. We need not hold any belief or feelings about freedom whatsoever. So, although the standpoint freedom view may not make any metaphysical assumptions, it still seems that in relation to this view, the Care Ethicist posits that we need to hold one fewer contentious belief/feeling

⁵⁰ Christine Korsgaard, "Morality as Freedom." *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996) 18.

about freedom in order to be obligated and motivated to respect. This is just as much a part of the concept of Moral Responsibility Agnosticism.

Just like we think it is better and advantageous that we not posit that one need for a person to have the practical belief in God in order for us to be motivated or obligated to act morally, perhaps we should also want to (as long as it is possible) posit fewer necessary practical beliefs in free will and moral responsibility for us to be motivated and obligated to act morally. Just like I have some Atheist friends who I think are often motivated to act morally, I have some Moral Responsibility Skeptic friends who often feel motivated to respect others.

I have a second worry about the explanation for why Kantian respect avoids metaphysical assumptions about freedom. Namely, if our rational will does not give us a kind of freedom to control ourselves nor our actions, then why we should assume that the most important part of our personhood is our rational ability? If we think that rational ability gives us control over our actions, that is, a kind of freedom of will, then this provides a reason for believing that this is the important part of a person, and as such, there is reason to think it is the special part of humanity that grounds our dignity and the obligation to respect.

However, if rational thinking just gives us the *feeling* that we are in control of our actions, then it does not seem that we have nicely explained why we should count this as the special part of us that generates the demand to be respected, rather than, as Care Ethics suggests, that it is a broader aspect of our nature, such as our emotions or subjectivity, that generates the obligation for respect. In other words, what is so special

about our rational natures if it doesn't really deliver the freedom and control that we think it does?

If we think rationality does not give us control or freedom over our actions, then this leaves two choices for the Kantian: either rational scrutiny does not give us the control the Kantian wants, which means that people are not deserving of respect. Or, alternatively, our ability to think rationally, set ends for ourselves, and follow those ends is still a feature that makes us worthy of respect and grounds our dignity even if it does not truly deliver control, but just phenomenologically feels like it delivers control.

This second choice may work, but I doubt many would find it satisfying. The reason why rationality is a feature that makes us worthy of respect cannot be explained in terms of it actually delivering control. It cannot then be the case our rational capacity grounds the obligation for respect because this rational capacity allows us to control our own lives and decisions. Instead, it would just have to be a brute fact that our rational capacity is one that should not be interfered with because this is what grounds an individual's dignity and worth. It is not incoherent, but it is odd.

As a Care Ethicist, I would ask why shouldn't our ability to have emotions, or the ability to feel pleasure or pain, or other kinds of subjective experiences be counted as equally important? It is not clear to me how the Kantian could reply to this question without appealing to the fact that this autonomy gives us control or at least the feeling of freedom, and I think this is a problem. After all, we are complex creatures with emotions, feelings, and rational thoughts. I said in the first chapter, that it seems to be we deserve respect because of all of the features that makes humans the interesting and complex creatures that we are, and it doesn't seem to me that there is a good reason to pick one of

these features at the expense of the others. And, as I showed in the first two chapters, picking one feature at the expense of these others leads to other problems, such as counting sex and other aspects of our humanity as inherently undignified.

The Care Ethicist might similarly need to say that it is just a brute fact that having a subjectivity grounds our moral worth, dignity and is the obligation-generating feature of respect. However, because this notion is broad, including rational desires, as well as feelings, emotions, etc., the Care Ethicist would not need to answer why it is choosing one part of our subjectivity rather than another. It is not choosing rationality over other parts of our natures and saying this is what makes up our true or most dignified nature. It need not take a stand or say this is the truly important part of humanity. Instead, it says all parts of our subjectivity ground respect equally.

Overall, the Care Ethicist is able to stay agnostic on the controversial free will debate of free will, and this is an advantage. Our status as free and autonomous beings has nothing to do with the Respect as Empathy view. If other things are equal in two theories (in this case, two theories of moral respect), we should prefer the theory that relies on fewer contentious assumptions.

Relational Autonomy:

Much of the above worry relies on a very traditional account of Kantian dignity (the feature of humans that grounds the obligation to respect) as based entirely on our rational capacity. However, one might argue that I am not being charitable, as there has been a recent push to argue that there must be more to autonomy than rationality. These relational autonomy theorists argue that autonomy is influenced by factors outside of us,

and that autonomy must be understood in terms of a larger social context. They argue that we have underemphasized other important aspects that play a role in our autonomy, like relationships, social status, and feelings (for instance, feelings of self-worth). One might argue that once the Kantian accepts a view of relational autonomy and argues that this is the foundation of our dignity that grounds the obligation to respect, that the Kantian can defend itself against some of the worries in the last section. Relational autonomy theorists don't try to argue that our rational ability gives us ultimate control. In fact, relational autonomy accepts that our autonomy is directly influenced by our history, our relationships and social context.

Relational autonomy incorporates "a more fine-grained and richer account of the autonomous agent,"⁵¹ then just our rational nature. It acknowledges that part of what makes up an individual, including their autonomy, is one's networks of relationships. Relational autonomists urge us to expand our view of agents as rational creatures, and instead recognize that agents are "emotional, embodied, desiring, creative, and feeling, as well as rational, creatures."⁵² This "highlights the importance to autonomy of features of agents that have received little discussion in the literature, such as memory, imagination, and emotional dispositions and attitudes."⁵³ For instance, many have argued that some emotions, for instance feelings of self-worth must also be involved in understanding our relational autonomy.⁵⁴ According to a relational view of autonomy, recognizing these relationships is not a threat to recognizing a person's autonomy, but rather it is an essential aspect and part of our autonomy.

⁵¹ Catriona Mackenzie and Natalie Stoljar, *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (New York: Oxford UP, 2000) 21.

⁵² Mackenzie and Stoljar 21.

⁵³ Mackenzie and Stoljar 21.

⁵⁴ Paul Benson, "Free Agency and Self-Worth." *Journal of Philosophy* 91.12 (1994): 650-68.

A lot of the reasons that relational autonomy is being emphasized has to do with wanting to acknowledge that our social positions and identity may have an effect on our autonomy, whether limiting or expanding it. As I mentioned, these relational autonomists freely accept that our autonomy isn't really in our direct control, or only a matter of our own internal rational capacity.

However, it is precisely due to the fact that relational autonomists argue that our autonomy isn't under our free control, which leads to a serious worry for Kantian respect. I think there is a positive argument that if relational autonomy is plausible at all, it shows that autonomy cannot be the feature about us that generates the obligation for respect. It is precisely because relational autonomy seems to acknowledge the limit of our control that this is the case. We shouldn't want a theory, which holds that the feature about us that generates the obligation to respect depends on social and relational factors that may be influenced by unfair biases. If autonomy is relational, depending on our upbringing, our own feelings of self-worth, or social avenues open to us because of our social position, then we come to a very worrying conclusion that a person is less likely to deserve respect (or less respect if we allow for degrees of respect), because they have grown up in or currently live in unfair biased conditions that limit their autonomy. Basically, one would deserve less respect for unfair reasons. For instance, imagine somebody who hasn't been taught self-respect or hasn't had her voice taken seriously by others and this has led her to have less feelings of self-worth. In turn, these feelings of self-worth mean that she has less autonomy than others. If we take autonomy to ground our dignity and the obligation to respect, then this means that she would deserve less respect because she has been less respected! This is a worrisome conclusion indeed.

The Respect as Empathy theory, on the other hand, easily makes sense of relational autonomy. Slote provides an account of autonomy when he presents his view of respect as empathy. Put roughly, autonomy, for Slote, is the kind of thing that good empathic parenting tends to produce.⁵⁵ I would amend this slightly and say autonomy is, in general, what empathic respect tends to produce. For Slote, we should still understand respect and autonomy as importantly tied. However, respect is the primary notion. Respecting others tends to produce autonomy. This is different from the classic account, which has things the other way around, saying that our autonomy generates the obligation to be respected. Instead, the idea is that we all deserve respect, and respect tends to produce autonomy. By understanding respect as the primary notion, and autonomy as that which tends to be produced through empathy/respect, this easily accounts for the fact that autonomy is relational.

For instance, if a parent is completely un-empathic with her child and foists his interests and values on the child, without listening to their desires, feelings, etc., then it is quite plausible that this child would often come away with would be less than robust trust in their own decisions, perhaps feelings of worthlessness or self-doubt. As such, this easily explains many features philosophers argue we should take into account when it comes to relational autonomy. Perhaps such a child would also be less able to think rationally through decisions, since they have less practice working through the deliberation and reflection process on their own. I explicitly tell my philosophy students that thinking rationally and practicing makes them better reasoners, so I sure hope this is true. So, this account could still say that being able to rationally deliberate well is an important part of autonomy. Of course, this is not a necessary connection, but rather a

⁵⁵ Slote *Moral Sentimentalism* 114-119.

general tendency. Many people rise above the circumstances of dealing with a lot of disrespect or having a disrespectful upbringing, but I think the general tendency may be there, and that is all we need.

Slote remains silent on whether his account of autonomy is the obligating feature of respect or not. But, I think, under this theory, he should (and would) fully accept that autonomy can no longer be the feature about us, which generates the obligation for respect. Again, the reason for this is simple but strong. If something that is socially influenced also provides the obligation for respect, then there is the worrisome implication that we might deserve less respect because we have been previously disrespected. We can't have a conclusion like this.

Instead, as mentioned in the first chapter, it makes more sense to say our ability to have subjective experiences constitutes our dignity, and by dignity here I just mean that it grounds the obligation that this subject must be respected. Autonomy is the kind of thing that comes as a result of respecting agents, and it is not the feature of us that generates this obligation for respect.

As such, Care Ethical respect does still make sense of the close connection between autonomy and respect. This means that we have a moral obligation to try to help each other to develop autonomy, because we have a moral obligation to respect one another. So, Care Ethics still accounts for the fact that we think that autonomy and respect are importantly tied together. However, autonomy is not the obligating feature of respect. Rather, we must help each other to develop autonomy, because we have a moral obligation to respect each other, and the development on one's autonomy will be a consequence of this respect.

By not making autonomy the obligating feature of respect, I think that the Care Ethicist avoids this worry that the rationalist theory of respect falls prey to. If anything, we should think that we have a stronger obligation to listen to the voices of those who have not been taught to trust their own, and I think the Care Ethicist could explain this.

Because Respect as Empathy thinks that autonomy is what comes from respecting a person, she can make sense of the idea that this has things the wrong way around. It is not that those who have not been able to fully develop their autonomy because of oppression deserve less or no respect in terms of this. Rather, it is that everybody deserves respect, and that this is what helps people to develop their autonomy.

So, I don't think that the rationalist respect theorist can invoke the idea of relational autonomy to avoid some of the worries I pointed out in the first section. If anything, invoking the idea of relational autonomy seems to point us in a direction of Care Ethical Respect, and my theory of dignity.

The Non-rational in Dignity and the Object of Respect:

There is a second set of reasons for why rationalist respect could not so easily incorporate the idea of relational autonomy. I next want to argue that it is not so easy for a rationalist respect theorist to make relational autonomy the obligation generating feature of respect or the object of respect without changing fundamental aspects of the theory, which end up just making it start to sound a lot like Care Ethical Respect. In other words, if one tries to amend Kantian respect to mean "respect for each other's relational autonomy" rather than "respect for each other's rational nature," Kantian theory

would be drastically changed. In fact, it will begin to sound a lot like Respect as Empathy.

The first difference is that the non-rational would have to be a part of the object of respect and in its theory of dignity, just like Respect as Empathy says they should be. This is because non-rational aspects of our selfhood, such as feelings of self-worth, social position, network of relationships, etc are a part of theories of relational autonomy. If we substitute relational autonomy in the places Kantians usually emphasize rational capacity, then the non-rational gets added to all of these places.

This means that the object of respect would have to be our rational *and non-rational natures*. We should recognize another's rational capacity and their emotional capacity, or at least their feelings of self-worth, etc. This already starts to sound a lot like the Care Ethical theory of respect that I presented in chapter one.

A Kantian would also have to incorporate the non-rational into its account of dignity, if one wanted to maintain that our autonomy (but now understood relationally) is what grounds our dignity and the obligation to respect. Once again, this is simply because relational autonomy theorists argue that autonomy involves a broader notion that includes non-rational aspects of our selfhood, and involves seeing agents as "emotional, embodied, desiring, creative, feeling, as well as rational creatures."⁵⁶ This starts to sound a lot more like Care Ethics' account of dignity. Care Ethics says that the general broad fact that we have a subjective experience grounds our dignity and the obligation to be respected.

⁵⁶ Mackenzie and Stoljar 21.

Respectful Paternalism:

Second, this change in understanding autonomy would open room up for respectful kinds of paternalism. Traditionally, Kantians think that one can never truly respect a person when acting paternalistically so this would be a huge change for the theory. Let me illustrate why this is the case with an example.

Imagine my brother is afraid to apply for a job, because he does not think he is good enough for it. He is a rational agent, and he chooses not to apply for the job. Now let's say that I know him well enough to know it would be good for him to challenge himself in this way. It will make him believe in himself more, or at least have no regrets later in wondering if he could have gotten the job. Let's also say that I have some kind of leverage over my brother. It is possible for me to usurp his autonomy and make him apply for this job. I could threaten him by telling him I am going to buy his child a puppy if he doesn't do it, or that I'll tell Mom who really broke the vase 20 years ago, or perhaps I have some magical power such that I can usurp his autonomy. I know that making him apply for this job will create confidence in himself, either by realizing he was good enough to get the job, or that he is strong enough to deal with the letdown of not getting the job. Of course, one could be wrong about this case (which is why we must always be humble and cautious in paternalistic cases), but let's say that, for the sake of argument, I really do know all of this.

In this case, let's say that he doesn't get the job, but he realizes that he can deal with that disappointment, and so he starts autonomously choosing to apply for a lot of other great jobs, and even eventually gets one! It seems that this could be a case where a paternalistic action gives a person greater self-confidence. If we think that feelings of

self-confidence are a part of a person's autonomy understood in this new relational way, then this (at least traditionally) paternalistic action on your part developed this part of his relational autonomy. This new job might also open up a lot of new opportunities that weren't open to him before, because of this higher social position and material resources, further expanding his autonomy (understood relationally). This might also increase a person's feelings of self-worth, and so give a person more relational autonomy.

This kind of action is traditionally considered a paternalistic action, and so the kind of action that Kantians argue is wrong and disrespectful. However, if the Kantians accepted the view of relational autonomy instead of the rugged individualistic view of autonomy, then you might think that this kind of action would suddenly be permissible according to Kant's theory. A person was recognizing the other's autonomy, at least if we understand autonomy in a relational way, because I recognized the importance of my brothers' feelings of self-worth. In this case, I empathized with my brother's feelings, and I knew that going through this experience, even if he didn't get the job, would increase my brother's feelings of confidence, self-knowledge, and self-worth, and it would further expand external options available to him by raising his social position. These are all aspects many argue should be included as a part of understanding relational autonomy.

So, it is certainly coherent to say that the Kantian could accept a new view of autonomy in their theory of respect. And, in fact, at least in this way, there is a nice consequence of such a change. However, it would not be a simple change, but rather would make quite a big difference to Kantian respect. It would also start to sound more like the Care Ethicist's notion of respect, as now it looks like we could have cases of

respectful paternalism. As mentioned in chapter one, this is just what the Care Ethical account of respect also allows for.

An act that involves empathy:

There are other changes that such a theory would have to make as well. Perhaps we can still make sense of what it means to say that we must always see a person as an end in themselves and never as a mere means. However, the interpretation of the meaning of those words would have to change drastically. We can no longer say the activity of "respect" involves recognizing that we have a reason not to interfere with another person's rational decision, since sometimes (as I have shown above) one might indeed have reason to interfere with an agent's decision, if it involves recognizing the importance of another's feelings of self-worth, or expanding the range of opportunity in front of them (both aspects of relational autonomy). This would put the capacity for rationality in a less prominent spot than it usually is considered to be in, and respect would not involve seeing that another's rational will gives us a reason not to usurp one's autonomy.

Instead, if recognizing autonomy must involve recognizing another's feelings of self-worth, then the activity of respecting may even *need* to involve empathy in some cases! For instance, in the case of paternalistically applying for the job for my brother, it might indeed be necessary to empathize with how his feelings of self-worth might be affected if he does or doesn't get the job. So, again, this tweak would not be minor and it would start to come a lot closer to Care Ethics' theory of respect.

This change would lead to an even larger change to the theory of Kantian respect. As mentioned, respect could no longer be understood as recognizing that we have reason not to interfere with another's autonomous decisions, since in some cases (as I illustrated above) their autonomous decisions should be interfered with if it involves recognizing the importance of their feelings of self-worth or knowledge of themselves. Instead, "respect" would change to imply that we have reason to recognize that another's autonomy (understood relationally) gives us reason not to interfere with another's decisions, except in cases where it recognizes other necessary parts of their autonomy like feelings of self-worth. Then, Kant will have to give some account of how to weigh between these two reasons. Would it be in terms of the consequences of developing one's autonomy? This does not sound like the kind of answer Kant would like to give, but rather what a consequentialist would say. So, the Kantian here would need to give a new account of this entire procedure of respect, and it is a procedure that might have to include empathizing with a person's feelings of self-worth in some cases.

My point here was not to say that a Kantian account of respect is incompatible with relational autonomy. I think they could be reconciled. But the Kantian account of respect would need to change some of its fundamental features if one still wanted to retain the idea that autonomy is the source of our dignity and the feature of us which grounds the obligation for respect. In fact, if somebody did want to reconcile Kantian respect with relational autonomy, some of the new features of Kantian respect would be very similar to some features of the Care Ethicist's view of Respect as Empathy. It would be the case that some recognition of a person's broader feelings would need to be taken into account and recognized as important (at least their feelings of self-worth). Kantians

would also have to rethink their understanding and permissibility and respectfulness of paternalistic action. So, Kant's theory of respect would need to be changed drastically in order to be reconciled with relational autonomy.

This would by no means be a minor tweak for the Kantian theory of respect and morality based on this account of autonomy. In fact, the changes that would have to occur in the Kantian account of respect in order to accommodate a relational autonomy would start to make it sound like the Care Ethical theory of respect that I have been defending.

But, perhaps most of all, if we are fully acknowledging that autonomy depends on our relations, social factors, and social position, etc., it just no longer makes sense to say that this grounds the obligation for respect. If somebody hasn't been able to develop her autonomy because of her social position, shouldn't we have even more of an obligation to help her do so, to help her find her voice, to help her develop a sense of self-worth, etc, and not less of obligation to respect her?

Objections and Responses:

Empathy as Dignity:

Let me end by discussing a few worries for my account of dignity. First of all, one might argue that rather than subjectivity grounding our dignity and the obligation to be respected, Care Ethical respect should ground our dignity in our ability to empathize with others.⁵⁷ This account might share many of the same traits as the account of dignity that I share here, including its moral responsibility agnosticism.

⁵⁷ Thank you, Michael Slote, for this suggestion.

There is some reason to think this would make sense for the Care Ethical Theory of Respect. After all, Darwall argues that it is our mutual accountability, our stance in second personal relations to make demands on each other. It makes some sense to think that what makes us capable of respecting others, also grounds our dignity and the obligation to be respected. For rationalist theories of respect in general, it is our rationality, which grounds our dignity, and it also gives us the ability to see that we have reason to respect others with a rationality as well. So, why not think that our ability to empathize is what makes us capable of respecting others, and that it is also our ability to empathize, which grounds the obligation to be respected.

It is worth exploring this as a plausible alternative account of the obligation generating feature of persons that mean they must be respected. Notice that this means that there would be some limit to the scope of who must be respected, although it still might include some animals. As I mentioned, many of the advantages I enumerate here would also apply to this account of dignity.

However, there are a few things about this view that at least strike me as initially odd, and so it is why I do not pursue such an avenue here. It is possible to empathize with any animal with a subjectivity, even if one can't empathize with me in return. So, I think the burden of the argument would be on the other side to explain why we are specifically excluding this group from the objects of respect. The obvious answer might be that they are not capable of respecting us in return. But this is not an appealing answer. That makes it sound like the reasoning behind there being an obligation to respect others is due to the fact that they then must respect you in return. It starts to sound that the nature of another's dignity and worth would be ultimately grounded in

some kind of reciprocal selfish reasons. There might be more one might say to defend this possibility, and I think it might be worth pursuing an in-depth comparative analysis of the pros and cons of each in a later project.

Never losing one's dignity:

Another possible worry is that my theory of what grounds our dignity is too broad. So much so that it has the implication that our dignity is basically never compromised. It certainly is not compromised if a person lacks autonomy, as children must be respected under my theory. But one might worry that I have gone too far the other way, and this means that our dignity can basically never be compromised.

I don't think this is such a worrisome objection at all. It strikes me as plausible that dignity is not so easily lost or compromised. Take the case of people who lose control of their rational capacity in old age. Certainly, they do not have the same rational capacity as they had before. But I think the idea that they have lost their dignity, and they do not deserve any respect as a human being is wrong. Certainly, they have changed, and certainly they may not be able to have the same kind of authority over their own lives. For instance, when my diabetic Grandfather got severe dementia, he didn't remember that he was diabetic. As such, he wanted to have cake for dinner. As that might have resulted in a diabetic coma, we couldn't let him have the same control of his life that he used to have. (Although, interestingly, his old self would have been very surprised to have heard this, as he was known for his self-control and extremely strict diet. When he was still a rational agent, my Gramma used to have to argue with him in order to get him to have even a bite of cake.)

However, Care Ethics can account for these kinds of changes. Care Ethics can say that what respect must look like and what kinds of actions it calls for might change as a person's capacities change. In fact, this goes back to the same kind of argument I made in Chapter One, when I discussed respect for children. When we are in the mindset of a traditional Kantian respect this sounds odd, because Kantian respect says that respect entails not interfering with a person's rational will. But Care Ethics does not say that respect is about non-interference with another's rational will. Instead, it is understanding and empathizing with another's perspective, including their emotions, desires, feelings, and more. I think as long as they feel and have a subjective experience, then we have a duty to respect this. What action this ultimately calls for and how we should fulfill these obligations is complex, but it's plausible that Care Ethics would say that the details of this depends upon a person's capacities.

So, Care Ethics says that as people lose capacities, they do not lose their dignity. Instead, the way we have to respect them changes. I think this is more of an advantage to my theory than a worry for it.

Concluding Remarks

Overall, Care Ethical Respect as Empathy combined with the Dignity as Subjectivity view is better able to remain agnostic about moral responsibility than a rationalist account of respect. There is a lot of contentious debate about what a lack of free will would mean for our motivations and our obligation to respect each other, but Care Ethical respect explains the obligation to respect while side-stepping this entire question. Since autonomy does not ground the obligation for respect, Care Ethics can

avoid the entire debate about whether a lack of free will undermines our autonomy or not. Moreover, this also allows the theory to more easily account for the fact that our autonomy is relational.

Chapter 5

Fitting Reactive Attitudes with No Responsibility

In this chapter, I want to turn to the debate involving free will and the reactive attitudes. Specifically, I will look at what Care Ethics has to say about the reactive attitudes and whether this explanation relies on assumptions about desert, free will or moral responsibility. There are three questions when it comes to the reactive attitudes. First, under what condition is a certain reactive attitude fitting, and, second, when is it moral for us to express these reactive attitudes? Then there is a third question about how these two questions interact. Does a reactive attitude need to be fitting in order for it to be morally permissible to express it? Care Ethics says something interesting about all of these questions, and it does so without making assumptions about free will, moral responsibility or the justification of desert. In the next three chapters, I will go over each of these questions in turn. In this chapter, I will start by looking at the fittingness of moral approval and disapproval. Moral approval and disapproval are the most fundamental reactive attitudes to start with, as I think these are a kind of emotional reaction that we direct towards a person who acted wrongly *because* they acted wrongly, or at a person who acted rightly *because* she acted rightly.

More particularly, I argue that if we fill in the details with an agent-based moral theory, like Care Ethics, for what makes an action right or wrong, we can explain the fittingness of these reactive attitudes without making any assumptions about moral responsibility, free will or desert. Care Ethics can account for what approval and disapproval consist in, how they relate to the right and wrong-making feature of actions, how they relate to the person acting, and why they are fitting as a matter of degree, all

without bringing in any questions about free will or which theory of moral responsibility is correct.

In the first section, I will explain how the reactive attitude debate is related to the free will debate. In the next section, I will argue that, as an agent-based moral theory, Care Ethics can explain why the object of approval and disapproval is at once the wrongdoing feature and the person who acted without bringing in assumptions about responsibility. Then, I will add in a Sentimentalist meta-ethics, and show that this accounts for the primary role the reactive attitudes play in our moral lives. In the next section, I will provide some advantages to the Care Ethical account of the reactive attitudes. Last, I will respond to some objections one might make to what I have said here.

Preliminaries:

Let me start by saying a little bit more about what I think these reactive attitudes are, and how they usually relate to the moral responsibility and free will debates. The reactive attitudes are the feelings that we have in response to right and wrong action of ourselves or others, and they are an important part of our moral lives. When I see my friend donating her spare time helping children in need, I think it makes perfect sense to feel a positive praising emotion of moral approval. When I hear about a murderer on TV, I feel that it makes perfect sense and it is fitting to respond with disapproval at the least, or perhaps even moral anger.

However, much of the debate about the fittingness of these reactive attitudes depends on questions about moral responsibility and free will. If it turns out that the

murderer was not responsible for what he did, if he did not do it freely, then does it still make sense to disapprove of him? Perhaps we should disapprove of the factors that were responsible for causing him to commit the murder or the causal chain that led to this tragic event, rather than disapproving of the murderer himself. Some, like Hard Determinists, Free Will Skeptics, and Hard Incompatibilists, hold that we *never* have the kind of free will necessary for responsibility (or at least that we are not justified in this belief). If these positions are true and we are never truly responsible for our actions, then are these reactive attitudes, then, never really fitting responses?

The question at hand is whether these reactive attitudes are only fitting if it turns out that we are morally responsible and/or have free will. I think that answering this question can really only be understood if we answer it in conjunction with the question “what makes an action right or wrong?” That is, normative moral theory is more essential to the reactive attitudes debate than has previously been acknowledged. This makes sense. If I am right and our reactive attitudes are emotional reactions we have towards a right or wrong action *because* it is right or wrong, then it makes sense to ask what the right making feature of the action is. I think this must be the object of our moral emotional reactions. I think if we fill in this answer with Care Ethical theory, then we can easily explain why the reactive attitudes make no assumptions about moral responsibility, free will or desert.

As a reminder, I mean a few things by ‘moral responsibility agnosticism.’ First, I think it is an advantage if a theory of right and wrong action does not need to rely on an assumption that we are morally responsible or have free will at all. Second, it is an advantage if a theory need not take a stand on which theory of moral responsibility (if

one assumes that we can provide one) is correct. Third, I think it is an advantage if a person does not need to hold any kind of belief or feelings of freedom or responsibility in order to justify moral beliefs or be motivated to act morally. Put roughly, I think this is an advantage for an ethical theory, because it is always an advantage for a theory to make fewer contentious assumptions. So, the more an ethical theory can explain without positing contentious assumptions about moral responsibility or free will, the more of an advantage (all else being equal) the theory has. In this case, Care Ethics is able to explain what the reactive attitudes of moral approval and disapproval are, and in what conditions they are fitting, while remaining ‘moral responsibility agnostic.’

The debate about the reactive attitudes and their connection to the free will debate can be seen as starting with P.F. Strawson’s landmark essay, *Freedom and Resentment*.⁵⁸ He points out that the way we really hold each other responsible is via these *emotional* reactions to right and wrong actions, which he calls the reactive attitudes. It is not psychologically possible for us to just rid ourselves of these reactive attitudes, and nor would we want to, even if we could. As such, he thinks that questions about determinism and free will just don’t matter when it comes to holding people responsible via these reactive attitudes. He argues that it is an act of over-intellectualization to analyze resentment, guilt, love, gratitude, or forgiveness in terms of assumptions about free will and determinism. One might view him as arguing for a new theory of moral responsibility understood in terms of the reactive attitudes.

In a way, I think we can understand Strawson as arguing that we should do away with the fittingness question all together in order to avoid asking if these reactive attitudes are fitting depending upon our free will. At least, he seems to think that for

⁵⁸ P.F. Strawson, “Freedom and Resentment,” *Proceedings of the British Academy*, 48 (1962): 1–25.

some kind of combination of psychological, social, and perhaps moral reasons, the issue of fittingness of these reactive attitudes depending on theories of free will is not a question worth asking.

On the other hand, others like Derk Pereboom, argue that the questions of free will and determinism are directly pertinent to the fittingness of the reactive attitudes, and we morally *must* ask this question. Some reactive attitudes do assume free will, responsibility, and desert, and since he thinks that, given that we should be skeptical that we have free will, it both makes sense to (and we morally should) make every attempt to overcome a specific set of these reactive attitudes. However, he does not think that *all* reactive attitudes rely on assumptions about free will, desert or moral responsibility. While gratitude might involve the assumption that a person *deserves* this reaction because she is responsible for her right action, Pereboom argues that there is still a kind of thankfulness that does not make any assumptions of desert. This is the same kind of thankfulness we might have towards a pet. He thinks that moral anger makes an assumption of desert, but we are better off without anger anyway. Reactions of sadness, disappointment and shock are still fitting, even without making any assumptions about free will or moral responsibility. They do the same job as anger and have fewer negative consequences.⁵⁹

I want to argue that if we really want to see which reactive attitudes are fair and fitting even if we do not have free will, we need to add in an understanding of what makes an action right or wrong. A reactive attitude is a reaction towards a right or wrong action because it is right or wrong. It makes sense to think that adding in an explanation

⁵⁹ Derk Pereboom, "Personal Relationships and Meaning in Life," in *Free Will, Agency, and Meaning in Life* (Oxford University Press, 2014); and Derk Pereboom *Living without Free Will* (Cambridge University Press, 2001).

of what makes an action right or wrong might help us to understand both what the reactive attitudes are, in what conditions they are fitting, and whether they rely on assumptions of free will and moral responsibility or not. I want to argue that understanding right and wrong action in terms of an agent-based moral theory, like Care Ethics, gives a helpful answer to all of these questions.

The account of Care Ethics that I want to add into this debate says that an action is right iff the action does not exhibit or display a lack of empathic care on the part of the agent. It is the empathically caring motivations of the agent that give an action positive moral value. So, if an agent acts out of empathic care with the person and concern for her welfare, or at least does not display a lack of empathic care, then this is a right action. This allows for morally neutral actions, which neither show nor display a lack of empathy, like scratching one's arm. Empathy can involve automatic emotional contagion or a more projective empathic process, like purposefully imagining yourself in the shoes of the other person.⁶⁰

The Object of Approval:

What is important to note for the argument at hand is that, for Care Ethics, the right making feature of an action is the *motivations* of the agent who acts. It is something about the agent herself that makes the action right or wrong. It is this kind of agent-basing⁶¹ that allows Care Ethics to provide an explanation of the fittingness of these reactive attitudes, while remaining completely agnostic about moral responsibility. This feature allows the Care Ethicist to explain why the object of our reactive attitudes is at

⁶⁰ Slote *The Ethics of Care and Empathy and Moral Sentimentalism*.

⁶¹ Slote *From Motives to Morals*.

once the right or wrong-making feature of the action and, at the same time, it is the person who acted, even if the person does not have free will and so is not responsible for the action.

Reactive attitudes are the emotional reactions we have directed either towards a wrong action *because* that action is wrong, or towards a right action *because* that action is right. As I mentioned, in order to see whether these reactive attitudes imply an assumption about moral responsibility or free will, we need an account of what the right and wrong-making features of actions are. That is, we need an account of what the object of these reactive attitudes are. I argue that putting in a Care Ethical account of the right and wrong-making feature of a situation can explain a lot, while remaining agnostic about this contentious debate about moral responsibility.

Any moral theorist, who wanted to argue that the fittingness conditions for moral approval and disapproval do not require any assumptions about moral responsibility, could say, at this point, that it is fair to react with approval or disapproval towards the right or wrong-making feature of the situation. Nothing about having an emotional reaction towards what makes an action right or wrong seems to imply that the person who acted was morally responsible for what she did. However, if we want to say that the object of approval is not only the right/wrong-making feature of an action, but also the person who acted, one might indeed need to invoke a theory of moral responsibility to explain why we can also fairly direct this reaction to the *person* who acted wrongly.

For example, if the object of a moral reactive attitude is the wrong-making feature of an action, then a deontologist might say the object of the reactive attitude would be the broken rule. So, we might be sad, and this sadness would be directed at the fact that the

action did not conform to the rule. The pure consequentialist would say that if the reactive attitude is directed towards the wrong-making feature of an action, then it is directed towards the bad consequences of the action. Or, we might be sad that the action did not have good consequences.

However, there is still a question for why can we also fittingly direct our reaction towards the person who broke this rule, or acted so as to cause the bad consequences? For any theory that does not explain the wrong-making feature in terms of the agent, there must be a second part to the story for why the object of our reactive attitude is not just the wrong-making feature of the action, but at the same time it is also fairly directed at the person who performed the action. The second part of the story seems like it would have to be in terms of the fact that the person was responsible for the action.

However, for the Care Ethicist, the wrong-making feature and so the object of the reactive attitude is something about the agent, namely, the agent's motivations. And, if it is fair to direct our reactive attitude towards the right or wrong-making feature of the situation, then the idea that it is also fair to direct reactive attitudes towards the person comes along for free. The wrong-making feature of the action just is something about the person. This means that if we react to the wrong-making feature of the action, this just is also a reaction to a feature of the person who performed this action. It is something about the person that made the action wrong after all.

The Care Ethicist need not give a second reason for why we can both fairly disapprove of the wrong-making feature of the action and disapprove of the person. The person is worked into the essence of the Care Ethicist picture of what makes an action

right and wrong. It is important to note that any theory that includes the agent as a part of the right/wrong-making feature of a situation might have this advantage.

For instance, the Virtue Ethicist at least partly agrees with the Care Ethicist. The Virtue Ethicist says that virtuous character is an important part of the right-making feature of the action. However, the Care Ethicist might still have a certain advantage over the Virtue Ethicist depending on the formulation of right action being used. For instance, if an action is right iff it is what a virtuous person would do, acting characteristically in the circumstances, then it seems that the object of disapproval might be either the person's lack of this stable character trait, or the fact that the person was not acting characteristically at the time. It's more plausible to think that our disapproval is directed towards some momentary aspect of the person, like her motivations, rather than her long-term stable character trait of lack thereof. I feel as though we want room to disapprove of the person for this action, without needing to make long-term judgments about whether she possesses certain character traits or not. However, the devil is in the details, and I think some Virtue theories may have a similar advantage to the Care Ethicist in this regard.

For the traditional Consequentialist and Deontologist,⁶² I think a second theory of responsibility would need to come into the story, in order to explain why we can fairly direct these reactions to the agent as well as the wrong-making feature of the action. Why direct this reactive attitude towards the person who performed the action? Well, because the person is *responsible* for the action. Some theory of moral responsibility

⁶² Consequentialist and deontologist modifications that include something about the agent in its right-making feature might have something more complicated to say and may have similar advantages.

must be assumed in order to explain the reason that it is fitting to direct these reactive attitudes towards the person as well as the wrong-making feature of the situation.

One might reply that this is not truly a large problem, as we only mean responsibility in the most minimal sense. It is fair to direct our disapproval to the person because the person was responsible for the wrong action in the sense that they were the person who performed such an action. Since they are causally connected to the wrong-making feature of an action in this way, it is fitting to respond with certain reactive attitudes towards this person.

However, I doubt this will work. If the person doesn't have free will or isn't responsible in some kind of robust sense, then there was also a set of prior circumstances that led the person to act in this way and it's not clear why these prior circumstances are not equally "responsible." They led the person to act this way, so why not disapprove of those prior circumstances as much or at least close to as much as you do the person? Or perhaps it is the causal chain as a whole that we should fittingly direct these reactive attitudes towards. In other words, it is hard to say what is special about the person, such that we think this is where our disapproval is fittingly directed, at least if you are trying to remain agnostic about moral responsibility, desert, and free will.

One might reply that it is fair to direct this reactive attitude towards the person because it communicates the wrongness to the person, so that they may try to change their behavior later. It is practically useful to express these concerns directly to the person in some cases. However, I think the fittingness conditions are distinct from the 'practically useful' conditions of expressing this approval to a certain person or not. I think we want to say that it is *fitting* that the object of our reactive attitudes just is, in part,

the person who acted, and it is not just that this is the most practically useful way to direct our reactive attitudes.

In addition, this does not cover cases where the person may never hear about your disapproval. For instance, when I hear about a murderer on TV, I think it is fitting to feel disapproval, and that the object of my disapproval is at once the murderer and the act of murder because it is wrong and for its wrong-making features. However, since I am seeing this on TV, then it has nothing to do with the practicality of communicating the wrongness of the action with anybody. I take it that anybody I express my disapproval towards in that case would already know that murder is wrong. Or, I may choose only to feel this disapproval, without expressing it to anybody. I still think that this internal, and never expressed, feeling is fittingly directed towards both the murderer and the act of murder because it is wrong.

For the Care Ethicist, the fittingness of directing a reactive attitude towards a person comes along for free. That is to say, there is no such thing as a free-standing motivation. Motivations always belong to somebody. So, if the reactive attitude is directed towards the person's motivation, it is also directed at the person those motivations belong to. We don't need to posit more to the story in order to understand why it is fitting to direct our reactive attitudes towards the person, because it is something about the person that just is the right/wrong-making feature of actions. So, Care Ethics explains how the object of our reactive attitudes is at once the right or wrong-making feature of a situation as well as the person, and it need not give any kind of theory of moral responsibility to explain this.

Notice too, this involves not just a response to the agent, but it also accounts for a backwards-looking element as a fitting object of these reactive attitudes. However, the backwards-looking element is not justified in terms of the person *deserving* this reaction because they were responsible for what they did. They are directed towards a person's *past* caring or uncaring motivations, and this just is the right or wrong-making feature of a situation.

Metaethics with No Responsibility:

Next, I want to add a Sentimentalist Meta-ethical view to this Care Ethical normative view and argue that this adds something to the reactive attitudes debate. A Care Ethicist does not necessarily have to commit themselves to this metaethical theory, but one could add in this meta-ethical layer, and I think doing so adds a few more advantages to the theory of the reactive attitudes.

Understanding the meta-ethics in terms of sentiment and emotion can provide some intuitive answers about the place the reactive attitudes should hold in our moral lives, again, without needing to posit any theory of moral responsibility in order to do so. In addition, it can explain not only why our reactive attitudes are fittingly directed towards both the right or wrong making feature of an action, and the person who performed such an action, but this metaethical element would explain why it makes sense that our reactions are importantly *emotional*, and why this emotional element is

fundamental and not easily altered or removed from our moral lives or replaced with a purely cognitive judgment of wrongness.⁶³

Let me start by laying out the Sentimentalist metaethical view. I will call Care Ethics taken together with this meta-ethical view, a *Sentimentalist* Care Ethics. Adding this metaethical view into the mix allows for us to explain Strawson's point about how important and fundamental these reactive attitudes are to our moral lives and why it is fittingly an *emotional* response that we have at right and wrong actions. Yet it explains this Strawsonian point without needing to posit Strawson's theory of Moral Responsibility.

In his book, *Moral Sentimentalism*, Michael Slote gives us an outline of how a Sentimentalist Ethics of Care might provide a metaethical view of moral judgments.⁶⁴ According to Slote, moral judgments are justified and understood in terms of our feelings of what he calls warmth and chill. What is important is that, for Slote, it is through our reactive feelings of warmth and chill that we can then understand our moral judgment that an action is right or wrong. This puts at least two of the reactive attitudes at the center of a Sentimentalist metaethical view.

This theory radically differs from the common assumption, which says that our reactions of moral approval and disapproval are secondary to our cognitive moral judgment that something is right or wrong. That is, the common understanding is that we first cognitively judge an action as right or wrong, and this judgment that something is

⁶³ Care Ethics also explains why it shouldn't be removed from our moral lives, but that gets back to Care Ethics *normative* theory and the permissibility of the reactive attitudes, which I will discuss in the next chapter.

⁶⁴ Slote *Moral Sentimentalism*.

right or wrong causes in us and rationally justifies our feelings of moral approval and disapproval.

Slote argues that this common picture has things the wrong way around. Rather than moral approval and disapproval depending upon a moral judgment that an action is right or wrong, he thinks that our feelings of warmth and chill fix the reference of what we mean when we make a moral judgment and say that an action is morally right or morally wrong. In this way, our feelings of warmth and chill are the primary notion, and these feelings are what fix the reference of our cognitive moral judgments of rightness and wrongness.

Slote thinks that a kind of second-order empathy plays a role in these reactive attitudes. So, the capacity for empathy is not only a right making feature of actions but it also explains our feelings of warmth and chill. Since empathy and concern for others is a human sentiment/emotion, we can also empathically pick up on the empathy and concern people have for one another. This is a kind of second-order empathy. We can empathize with the empathy and care or lack of empathy and care that somebody else has. It consists in having empathy with another's empathic care (or lack thereof).

Let me provide an example to illustrate this. Let's say that I see my friend Casey fall down and break her wrist. She is crying in pain. I empathize with her, but I am far away, across the lawn, so I cannot run to her myself. But I see Jisoo run to her and give her a hug, and then walk with her towards the health center on campus. In this case, I empathize with Casey's pain. I also empathize with Jisoo's empathy and care for Casey's pain. There is a kind of harmony here. I empathize with Casey's pain, and I empathize with Jisoo's empathically caring motivations towards Casey's pain. To use Slote's

terminology, I feel warmed by the warmth of Jisoo. Notice this is a kind of direct emotional access to the right-making feature of a situation for the Sentimentalist Care Ethicist, since Jisoo's empathic care is what makes her action right.

Now, imagine that instead of running to help Casey, that Jisoo is actually the person who pushed Casey. Casey falls and breaks her wrist, and she begins crying in pain. Jisoo simply laughs at Casey's pain and then walks away. The idea is that, as a third party, I empathize with Casey's pain, and, in this case, I empathize with not only Jisoo's lack of empathy, but her complete malice and disregard for Casey's pain. There is a kind of discord of feeling here. I am chilled at the lack of empathy from Jisoo. Again, the idea is that there is some kind of direct emotional reaction towards the wrong-making feature of a situation. It is not mediated by any cognitive element that the action is wrong. But rather it is a kind of direct empathic and emotional reaction to the wrong-making feature of the situation, which for the Care Ethicist just is Jisoo's display of her lack of care and empathy.

One needs to be an empathically caring person in order to both act morally and in order to feel this warmth and chill, according to a Sentimentalist Care Ethics. This nicely explains why immoral people, for example psychopaths, not only are incapable of acting morally, but that they also have trouble in making moral judgments. They often treat moral judgments in a similar way one might treat rules of etiquette, which indicates that, like rules of etiquette, they can only learn about morality from others, rather than having experience themselves picking up on the right or wrong-making feature of an action.⁶⁵ This is because, according to the Sentimentalist, the same capacity for empathy is

⁶⁵ Jesse Prinz, *The Emotional Construction of Morals* (Oxford Univ. Press, 2013).

necessary for both acting rightly and for experiencing the warmth and chill that our moral judgments of right and wrong are based upon.⁶⁶ First-order empathy is part of the right-making feature of an action and constitutes respect, and second-order empathy gives us direct emotional access to the right-making feature.

Slote's then adds in a Kripkean reference-fixing element to explain the fixed basis of the meaning of the terms right and wrong. Slote argues that these feelings of chill and warmth fix the reference for moral terms like right and wrong. The ideas are based on a Kripkean notion of reference-fixing.⁶⁷ So, in the same way that Kripke thinks that our experience of redness fixes the reference of what we mean by the term "red," Slote argues that our experience of warmth and chill fixes the references of what we mean by the terms "right" and "wrong." So, the tendency of certain actions to elicit in us this chill and warmth is also what fixes the reference of what we mean by the moral terms 'right' and 'wrong.' A Sentimentalist theory does not need to imply that rightness means one thing for me and another thing for you. Instead, I think this view can say that a sentence like, "X is a morally wrong action," can be true or false through this account of Kripkean reference-fixing.

Advantages for Sentimentalist Metaphysics:

There is a lot more to be said about this meta-ethical view, but my point is not to defend or expand on it here. Instead, I want to see what this meta-ethical view implies about our reactive attitudes. I think it accounts for the intuitive aspects of Strawson's view, while avoiding the disadvantages. Notice it counts our experience of certain

⁶⁶ Slote *Moral Sentimentalism* 54-55.

⁶⁷ Saul Kripke, *Naming and Necessity* (Blackwell Publishing, 1981).

reactive attitudes a primary aspect of morality. These reactive attitudes are the starting point or basis for our cognitive judgments about right and wrong action, according to the Moral Sentimentalist. These reactive attitudes consist in a kind of direct access and emotion we have to the right-making and wrong-making features of actions. A person's empathically caring or unempathic and uncaring motivations are what make an action right or wrong according to Care Ethics. So, when we pick up on a person's motivations and get this kind of feeling of warmth or approval, we are actually reacting directly to the right or wrong-making feature of a situation.

I also want to note that, although I have been using the word warmth and chill in this section on metaethics rather than approval and disapproval, for the rest of the dissertation I will use these more or less interchangeably. The words moral approval and disapproval might be a broader term that refers to some more disinterested attitudes. That is to say, you might approve in a more disinterested way than feeling this active warmth. But I think that this chill and warmth are at least types of moral approval and disapproval. So, for the rest of the dissertation, if one wants to take on this metaethical approval, you can interchange approval with warmth and disapproval with chill.

As I mentioned, one might just take on a Care Ethical theory of right action, and this already has some advantages in explaining the reactive attitudes. But adding this metaethical view creates a few more advantages.

First, it is interesting to see that adding in this Metaethical view accounts for an important element of P.F. Strawson's arguments about the reactive attitudes. It fits in nicely with Strawson's account of the primary role he thinks these play in our moral lives. The Sentimentalist picture accounts for the fact that some moral reactive attitudes

are a fundamental starting point of morality, and an integral part of the moral life. It does this without relying on any theoretical assumptions about free will, or his theory of moral responsibility. In other words, I think the Sentimentalist Care Ethicist is in a particularly good position to account for the intuitive aspects of Strawson's theory, while avoiding some worries his theory faces, and without positing his entire theory of moral responsibility.

As I mentioned, Strawson argues that the question of whether free will undermines moral responsibility or not is a fundamentally misguided question. Reactive attitudes are central to our moral lives, and he thinks these attitudes are not something that can be justified or overridden by a theoretical argument concerning free will. To contend that these reactive attitudes can be overridden by theoretical argument is to over-intellectualize what we mean by moral responsibility. The important thing that Strawson does here is he points out how important and central these reactive attitudes are to our moral lives and our interpersonal lives.

There is something very true that has resonated with many people about Strawson's claim. Questions of free will may be important to understanding official sanctions and punishments and even the concept of blame. But when it comes to having emotional reactions towards right and wrong actions because they are right and wrong, it is hard to imagine our moral lives without them. Morality, by its very nature, seems to have these emotions connected closely to it. Morality is the kind of thing that brings about a positive emotion and immorality is one that brings about negative emotions. To act as though we could detach the emotion part of morality does sound like an act of over-intellectualization. The Moral Sentimentalist can capture what is intuitive about

Strawson's arguments here. Yet, it also avoids going too far with these claims, which Strawson himself does.

In the Sentimentalist's Metaethical view, warmth and chill are simply the direct kind of emotional reaction to the right-making or wrong-making feature of an action. Cognitive moral judgments are actually understood by and their reference is fixed by way of our reactive attitudes, making our reactive attitudes a fundamental moral notion. As such, the Moral Sentimentalist would agree that to imagine our moral lives without these kinds of basic reactive attitudes would be basically impossible, or fundamentally alter what we even understand morality to be about. Strawson has argued, and the Moral Sentimentalist agrees, that the reactive attitudes are a fundamental and not easily altered element of morality.

In addition, Care Ethics, takes our caring interpersonal relationships to be the right-making feature of actions. Clearly, if it turns out that the reactive attitudes are a fundamental part of our interpersonal relationships, then Care Ethics is actually the ethical theory in the best position to account for this element of Strawson's view as well. I will elaborate on this in the next chapter, but for now I want to mention that a Sentimentalist Metaethics and Care Ethical normative view takes emotions and interpersonal relationships to be a very fundamental part of morality, and so it will certainly take seriously the role that the reactive attitudes play in our interpersonal lives, and it will agree that if getting rid of these reactive attitudes would impoverish our interpersonal relationships, then it would be morally problematic to do this. So, I think that the Moral Sentimentalist Care Ethicist accounts for the good features of Strawson's arguments.

Moreover, for Moral Sentimentalism, these feelings of chill and warmth are what fully launch moral judgments of what we mean by rightness and wrongness, and so the feelings and the judgments are independent of and prior to questions of free will and moral responsibility. They come before and independently of the judgment of whether we think a person has free will and so can be responsible for their actions. Under this Moral Sentimentalist account, these reactive attitudes consist in a chill we feel because we are empathizing with the malice or indifference someone is feeling towards others. These attitudes do not assume an individual has free will and nor does it assume a person is deserving of praise or blame. So, since Moral Sentimentalism makes reactive attitudes primary, there is no way yet in which these reactive attitudes rely on a theoretical commitment to free will or moral responsibility.⁶⁸ In fact, I think that the Sentimentalist agrees with Strawson that to say that these reactive attitudes are based on theoretical commitment to moral responsibility is to over-intellectualize our actual moral practices.

The Sentimentalist Metaethical view also avoids some of the worries of Strawson's account and makes fewer contentious assumptions. Unlike Strawson's approach, the Moral Sentimentalist does not need to claim that our practices involving these reactive attitudes are fundamentally attached to or consist in attributions of moral responsibility because although the reactive attitudes are placed in a primary moral position, they are not placed in the same position Strawson thinks they hold. Strawson thinks that the reactive attitudes that we commonly feel, such as moral indignation and guilt, just consist in what we mean by moral responsibility. For the Moral Sentimentalist this chill we feel just is recognition of the agent's bad motivations, and these bad motivations just are what make an action right or wrong. So, at least certain reactive

⁶⁸ Michael Slote, *Freedom and desert* (Unpublished Manuscript).

attitudes, namely chill and warmth, do not carry with them or consist of any judgment about the agent's responsibility. Instead it is a reaction to the wrong-making feature of the situation.⁶⁹

The Moral Sentimentalist does not need to assert Strawson's compatibilist view of moral responsibility, or any view of moral responsibility for that matter. One could maintain a Moral Responsibility Skeptical approach at this point, or one could add in a different theory of moral responsibility to this ethical approach. So far, everything I have said remains agnostic about our free will and responsibility. So, the Moral Sentimentalist picture is free from making any assumptions about free will or moral responsibility, and yet still does the work of accounting for the primary place of certain reactive attitudes.

The Moral Sentimentalist Care Ethical position also avoids many other worries of Strawson's account. First of all, unlike Strawson's theory, Care Ethics allows for us to understand why these attitudes are fitting. Strawson does not suggest any fittingness conditions for the reactive attitudes, and moreover, thinks that whether they are fitting or not depending upon our free will does not matter, since these emotions are not easily unembedded from our moral lives. Care Ethics does say something about fittingness. It is fitting to feel moral approval or warmth, for the Care Ethicist, when an action displays the empathic care of an agent. It is fitting to feel moral disapproval or chill when an agent displays a lack of empathic care towards another agent. We can get it wrong, and Care Ethics can make sense of the idea that this reaction wasn't fitting in some way.

Although Sentimentalist Care Ethics allows us to understand the fittingness of these reactive attitudes, it does so while retaining the Strawsonian idea above, which says

⁶⁹ The idea that disapproval need only register the wrongness of the action, rather the responsibility of the agent comes from Slote *Freedom and desert*.

that these attitudes play a fundamental role in our moral lives, and they are not easily unembedded from the very concept of our moral lives. This is because the reactive attitudes are essentially connected to the Sentimentalist metaethical theory. The reactive attitudes are at the center of our understanding of what morality even consists in, and in even understanding our concepts of right and wrong. Of course, we cannot so easily unembed these reactive attitudes from our moral lives. It is a delicate balance to both account for Strawson's idea that the reactive attitudes play a fundamental role in our moral lives, and that they can't be just unembedded and scrutinized in terms of issues of moral responsibility, and yet also accounts for the idea that these reactive attitudes do have fittingness conditions. A Sentimentalist Care Ethics can strike exactly this intuitive balance.

Moreover, the Moral Sentimentalist avoids another worry raised by Strawson's account. Strawson groups all of these reactive attitudes together, and says they are all equally a primary part of our moral lives. This goes too far. While most agree with Strawson that adopting an objective attitude is problematic, it is strange to think that all of the reactive attitudes are indiscriminately beyond scrutiny. Some reactive attitudes are necessary to our moral lives and should hold a primary moral position. However, it is far from clear that all of our reactive attitudes indiscriminately belong in this fundamental category.

Some reactions are less obviously integral or in this primary moral position. Moral Sentimentalism accounts for the fact that some of these reactive attitudes cannot be completely unembedded from our moral lives. Moral Sentimentalism accounts for this difference. It puts the reactive attitudes of warmth and chill (which, again, I think are a

kind of moral approval and disapproval) in this fundamental primary metaethical position in moral theory. However, it does not indiscriminately group all reactive attitudes in this primary position. Warmth and Chill are special for the Sentimentalist because they are direct emotive reactions to the right or wrong-making feature of a situation. I do think that a Sentimentalist Care Ethics can still hold the position that some reactive attitudes are less fundamental to our moral lives, such as moral anger or indignation.

The last advantage I want to mention is that it avoids a worry for Strawson's account brought up by Gary Watson.⁷⁰ According to Watson, Strawson undermines his own theory by providing exempting conditions for holding certain people morally responsible. Strawson does argue that there are some conditions by which we do end up excusing people and adopting an objective attitude towards them, either temporarily or permanently. Watson cites Strawson's examples of "being psychotic, being a child, being under great strain, being hypnotized, being a sociopath ('moral idiot'), and being 'unfortunate in formative circumstances.'"⁷¹ Watson worries that if Strawson were to try to fill out the reasons for why we treat these people with an objective attitude, and exempt them from our normal reactive attitudes, then he would end up citing some kind of other reasons of moral responsibility.

However, this criticism does not apply to what Moral Sentimentalism says about moral approval and disapproval. We don't need to provide any exempting conditions from our feelings of moral approval or disapproval. First, even if a person is a psychopath or a child, we can still react with approval and disapproval. Even if we find

⁷⁰ Gary Watson, "Responsibility and the Limits of Evil: Variations on a Strawsonian Theme." *Agency and Answerability: Selected Essays* (Clarendon Press, 2004).

⁷¹ Strawson 8-10.

out that a murderer is a born psychopath, who on top of that was brutally abused as a child, we do not change our reactive attitude of disapproval towards them for the murder they have committed. Although, it might give us more empathy towards them for having endured that pain in their childhood. Second, we also often fittingly disapprove of a child for acting in certain ways. So, the Moral Sentimentalist need not account for any exempting conditions on moral approval and disapproval of the wrong-making feature of an action (which again, just is the person).

Third, one might object that we should not have disapproval towards somebody who acted wrongly while under hypnosis. However, I think that the Moral Sentimentalist can agree with this, since the person's actions in this case would not display their own bad motivations, but the bad motivations of the hypnotizer. So, our disapproval would be directed towards the hypnotist. I think that this is the right verdict. It is, after all, the hypnotist that acted wrongly in this case. So, the Moral Sentimentalist, accounts for the good aspects of Strawson's argument while avoiding the worries.

Overall, adding a Sentimentalist meta-ethical element to Care Ethical theory also accounts for some intuitive features of Strawson's argument about the reactive attitudes. It explains why it is fitting not just to have a negative cognitive judgment about the right or wrong-making feature of a situation but why it is appropriate to react with an *emotion* to right or wrong actions. It explains why our emotional reactions to right and wrong actions are not easily unembedded from our moral lives. These are the starting points to making cognitive judgments about morality. Since these feelings are what then fix the reference and fully launch our cognitive moral judgment that an action is right or wrong,

these feelings are also prior to any commitments about responsibility, free will or desert. As such, there is a lot of agreement with Strawson.

Advantages:

I think a Sentimentalist Care Ethics has provided an account of the fittingness of moral approval and disapproval. It makes sense for me to have a positive moral *emotional* reaction directed towards the *person* who acts rightly because she acts rightly, and it makes sense to have a negative *emotional* reaction towards the *person* who acts wrongly because she acts wrongly. And it accounts for the fittingness, without needing to consider questions about the moral responsibility or free will of the person at question.

I also want to note, as it will be important in later chapters, that this fittingness is explained purely in terms of the right-making and wrong-making feature of an action and in terms of second order empathy. There is no discussion of the rationality of cognitive beliefs or judgements these emotions rely on that needs to be made here in order to explain fittingness.

Fittingness as a Matter of Degree:

I now want to discuss a few advantages for the Care Ethical understanding of the reactive attitudes. The first of which is that it explains how and why these reactive attitudes come in degrees and are fitting as a matter of degree. Approval and disapproval are reactions to the right or wrong-making feature of an action, and for the Care Ethicist, this is the person's motivations. Notice too that the degree of care and the degree of malice that a person displays through their action is something that comes as a matter of

degree. I think it is a general advantage that Care Ethics not only gives satisfying conditions for right and wrong action, but it can explain the degree of rightness and wrongness as well. It seems to me that, although lying to your friend that you are sick and can't make it to the party, and murdering somebody are both cases of wrong actions, one is clearly more wrong/ worse in terms of the wrong-making feature than the other. The Care Ethicist can explain that wrongness is a matter of degree, and this is just a general advantage for it as a normative theory.

In this case, it is also an advantage for its explanation of moral approval and disapproval, because we think that our reactive attitudes come in degrees and are fitting as a matter of degree. This is often overlooked but it is extremely important. Philosophers often discuss whether a reactive attitude is deserved at all. But, in common-sense language, we also think that a person's reaction can be too strong or too weak. In fact, I would guess that critiquing the *strength* of somebody's reactions is a much more common in everyday life than critiquing whether the reaction is justified at all. Philosophical accounts of the reactive attitudes should explain when we can fairly and fittingly critique the strength of somebody else's reaction.

The Care Ethicist can explain the degree of our reactive attitudes quite simply. The more that a person displays a lack of empathy and care in their action, the more disapproval is it fitting to feel. The more care and empathy that a person displays in their action, then the more approval it is appropriate to feel. In this way, the Care Ethicist explains degrees of approval and disapproval. This is an advantage over many other moral theories because most moral theories focus more on satisfying conditions of rightness and wrongness, and degrees of rightness and wrongness are not always fully

explained. They cannot so easily explain why different degrees of approval and disapproval are fitting in different cases.

Most other theories might need to explain the degree of our reactive attitudes in terms of some theory of moral responsibility that explains responsibility as a matter of degree. However, even adding in a theory of moral responsibility would not obviously clear up the matter, because, as Dana Nelkin points out, most theories of moral responsibility also focus on satisfying conditions of responsibility, and fail to account for degrees of responsibility.⁷² The Care Ethicist has an advantage here, because it need not take a stand on which theory of responsibility is correct to explain the degrees of our approval and disapproval, or wait for these theories to develop accounts of the degrees of responsibility.⁷³

However, even if one were to take on a theory of responsibility that can account for responsibility as a matter of degree, I do not think that it could fully explain the fittingness of our degrees of approval and disapproval. I think that a theory of what degree of approval or disapproval is fitting must partly be understood in terms of the degree of *wrongness* of the action. I would have much more disapproval of a person that murdered my entire family than I have of a person that negligently stepped on my foot. I think this is the case even if the murderer was a born psychopath who was not responsible at all, and the person who stepped on my foot was fully responsible for the negligence. The degree of *wrongness* of the action is much more relevant to our reactive attitudes than the degree of responsibility of the agent. This reflects back to my original point,

⁷² Dana Nelkin, "Difficulty and Degrees of Moral Praiseworthiness and Blameworthiness," *Nous* 50.2 (2014): 356–378.

⁷³ A Quality of Will account does account for degrees of reactive attitudes, so I will come back to this in the last section.

showing how important it is to add normative ethical theory to this debate about the reactive attitudes.

Robust Attitudes with No Responsibility:

I next want to compare this account of the reactive attitudes without responsibility to similar accounts. In particular, I think my account has an advantage over Derk Pereboom's account of the reactive attitudes. As mentioned above, Pereboom offers an account of which reactive attitudes do and do not require us to make assumptions about responsibility, desert, and/or free will. Since Pereboom thinks we should be skeptical about our free will, he thinks it is important that we explain which reactive attitudes do not presuppose free will or desert. Pereboom agrees with Strawson on one important point. He does indicate that some kind of reactive attitudes are necessary for good interpersonal relationships. As such, an important part of his project is indicating which reactions to morally right or wrong actions could survive his free will skeptical approach, and how these would affect our interpersonal relationships.

While he thinks that we have a moral duty to eschew anger, he thinks that we will still be able to react with shock and sadness when somebody acts wrongly. He thinks that moral anger involves a belief that people are morally responsible and deserving of this negative attitude. Since, he thinks that we are not justified in this belief, anger, likewise, is never justified.⁷⁴ However, we can still react with shock and sadness at a moral wrong, because this involves no false beliefs about desert or responsibility. This is not a loss, as shock and pain play the same role in interpersonal relationships. In fact, he thinks they

⁷⁴ Derk Pereboom, "Personal Relationships and Meaning in Life," *Free Will, Agency, and Meaning in Life* (Oxford University Press, 2014).

are better for our interpersonal relationships but still do the job of communicating that an action is wrong. Shock, sadness, and pain are less likely to damage an ongoing relationship and less likely to be met with defensiveness. So, Pereboom argues that theoretical questions about free will are relevant to the fittingness (and morality) of our reactive attitudes. He also shows why we will not be forced to adopt the objective attitude if we give up a belief in free will, as Strawson worries.

What I have said about moral approval and disapproval is friendly to Pereboom's Free Will Skeptical approach, because I have shown how this account of moral approval and disapproval remains agnostic about moral responsibility and free will. As such, it could easily accommodate a Free Will Skeptical approach. However, I also think that adding the Care Ethical account of right action adds an important element that Pereboom's ideas alone cannot account for. Namely, the Care Ethicist can distinguish between sadness and disapproval directed at a person for a moral action as opposed to sadness directed towards nonmoral actions with bad results. In this way, I argue that the Care Ethical account of moral approval and disapproval are more robust than Pereboom's account taken by itself.

The Care Ethicist can explain why we feel a different kind of moral disapproval when a person acts wrongly as opposed to when we hear about a natural disaster that has caused destruction or promoted the bad in the world in some way. Learning that a person murdered somebody else in cold blood feels very different from hearing that a tornado killed a person. One is a moral reactive attitude and the other is not. One is about our interpersonal ethical relationships and the other is not. If we accept that a person is not morally responsible, Pereboom's account taken by itself does not explain the difference

in our reaction between these two cases.⁷⁵ In other words, why is a moral sadness towards a person who committed a moral wrong different (both phenomenologically and morally) from sadness directed towards the deterioration of goodness or the promotion of badness in the world?

Pereboom acknowledges this about his own theory. He argues "The justification we assume for regarding moral offenses as deeply different from natural disasters is that persons are typically responsible for their actions." But according to Pereboom's Hard Incompatibilism/ Free Will Skepticism, "because a person's actions are the result of processes over which he has no control, we cannot consider him responsible for them, just as we cannot hold earthquakes or epidemics responsible for their effects."⁷⁶ However, adding in a Care Ethical right-making feature does provide an analysis of this distinction, and yet remains in line with Pereboom's main project of explaining the reactive attitudes without making assumptions about free will.

The Care Ethicist can easily explain this distinction because it accounts for the idea that the object of our moral disapproval is at once the wrong-making feature of an action and the person who performed the action. We can feel moral disapproval and a chill when we see an agent acting wrongly, and this is something that is simply not possible to do with a tornado. We can recognize the malice or lack of empathy of another person, and we can have second order empathy with a person. But we cannot recognize the bad motivations of a tornado since it is incapable of caring, empathizing, having emotions or motivations, and nor can we have a second-order empathic chill with a tornado. That is, a sadness might be felt towards anything that produces badness in the

⁷⁵ Pereboom himself acknowledges this in *Living without Free Will*.

⁷⁶ Pereboom *Living without Free Will* 154.

world. Moral disapproval, on the other hand, is a chill we can only feel towards subjects who are capable of having bad motivations and so committing morally wrong actions. Yet, as mentioned above, nothing about this explanation of how we can include the person in the object of disapproval needs to involve any assumptions about moral responsibility or desert. The Care Ethical explanation is complimentary to Pereboom's project, as it can be added to his account without needing to make many changes, but it makes a distinction that Pereboom's account alone does not make.

A similar point can be made about Pereboom's account of positive reactive attitudes, like gratitude, in a world without moral responsibility. He says that we can clearly still feel gratitude even in times where a person is not morally responsible. We can feel gratitude towards a child or a pet for doing something even if we recognize that they are not a morally responsible agent. That is, he thinks that we can be thankful to somebody for benefitting us in some way without assuming that the person is responsible for what they have done.⁷⁷ However, this account does not explain why our gratitude to human agents for a morally good action is much different and should be different to the gratitude we feel towards non-agents like the sun or the rain.

We also feel a kind of gratitude towards non-agents because of the benefits they give us. A farmer in the midst of a drought, for instance, may feel this gratitude when he wakes up one morning to hear rain hitting the roof. He knows his crops are saved, and that he will be able to feed his family. There is a sense in which this rain is promoting the good in the world, and he is thankful for these circumstances and this thankfulness is directed toward the rain for the benefit it brings. And yet, I think most of us want to preserve the notion that the gratitude we feel towards people for moral actions is and

⁷⁷ Pereboom *Free Will, Agency, and Meaning in Life* 190-194.

should be fundamentally different to the gratitude we feel towards things like the rain or sun.

I think it's difficult for one who simply denies morally responsibility to explain these differences. Adding a Care Ethical approach to such an account easily explains these differences and does so in a way that still makes no assumptions about moral responsibility. The robustness of our feelings of moral approval comes from understanding the object of approval as the Care Ethical right-making feature of actions. These warm feelings of approval result from our recognizing the empathy and care another person displays when acting. We recognize another's empathically caring motivations, and this causes in us a kind of feeling of second-order warmth or approval. So, moral gratitude is more than just thankfulness to somebody for benefiting us, but it is thankfulness accompanied by this kind of warmth at recognizing the care and empathy the person has for us.⁷⁸ Moral approval is involved in gratitude towards morally right actions.⁷⁹

The sun and the rain are not capable of having motivations, cannot empathize, and cannot care. Nor can we be warmed by the sun (pardon the pun) in the sense that we cannot have second-order empathy with the sun. As such, it is also impossible to feel this same kind of moral approval towards the sun or rain. This explains why our thankfulness towards people is fundamentally and phenomenologically different to our thankfulness to the sun and rain, and why our moral disapproval towards a wrong action committed by an individual is very different to the moral sadness we feel when we hear a tornado has caused death and destruction. Yet, as mentioned above, even though moral approval is

⁷⁸ Slote *Freedom and Desert*.

⁷⁹ Slote *Freedom and Desert*.

aply directed at the person who acted rightly, it does not need to involve the assumption that this fittingness assumes any theory of moral responsibility, or conditions of desert or free will.

Objections and Responses:

Moral Reactions towards Animals:

In this last section, I want to respond to a few criticisms. First, I have argued that we think moral reactive attitudes are inappropriate when it comes to things with no sentience, like the sun and the rain. But nothing I have said prevents us from thinking that we can, in some cases, appropriately feel approval and disapproval towards animals.⁸⁰ So, perhaps a criticism could be leveled back at the Care Ethicist in terms of lacking a distinction between approval and disapproval towards animals and approval and disapproval towards human agents. However, I doubt that we truly want to make a sharp distinction here (perhaps we only need a difference of degree of depth). There are some cases where we do think it is fitting to react to animals with approval or disapproval.

This is especially true when we think of approval. It's clear to me that we often think it is perfectly fitting to feel a kind of warmth and approval towards our dog when they snuggle up to us or risk their life to save their owner. Mark Rowlands begins his book "Can Animals be Moral?" With this interesting example:

Eleanor, the matriarch of her family is dying. Unable to stand, Grace tries to help her, lifting and pushing her back to her feet. She tries to get Eleanor to walk, nudging her gently along. But Eleanor stumbles, and then falls again. Grace appears very distressed, and shrieks loudly. She persists in trying to get Eleanor back to her feet, to no avail. Grace stays by the fallen figure of Eleanor for another hour, while night falls. Eleanor lives through the night, but dies the next morning, around 11:00 a.m.

⁸⁰ Thanks to Brad Cokelet for raising this worry.

Rowlands goes on to point out that all the figures in this story were Elephants. He notes that, "if the figures that played out this grim tableau were human, we might have little hesitation in attributing to them emotions of a certain sort. The efforts of Grace, we would probably be willing to accept, were motivated by her compassion for Eleanor and sympathy for her plight."⁸¹ It seems to me that, in this kind of case, we do feel approval towards Grace. It also seems to me that there really is no reason to specifically deny this is the case or to categorically deny that animals can ever be the apt objects of moral approval. (I think hundreds of commenters on animal youtube videos would agree with me about this.)

One might concede that perhaps there are some rare cases where we can feel approval towards animals, but at least we should not fittingly feel the same depth of approval and gratitude towards animals as we do towards humans when they act morally towards us. The worry is that the only way that the Care Ethicist can explain a difference between approval towards humans and approval towards animals seems to be in terms of responsibility. We feel a different kind or depth of gratitude towards people, because we recognize that they have free will and so are responsible, while animals do not. Nothing I have said precludes this idea here, as I have only been remaining agnostic about moral responsibility. One could add in this layer.

However, there are also alternative ways that the Care Ethicist could explain this difference in depth of gratitude towards animals vs. other people. One might hold the view that humans have more selfish behaviors that they need to overcome than animals

⁸¹ Mark Rowlands. *Can Animals Be Moral?* (Oxford University Press, 2012).

typically do, and, as such, more approval is warranted.⁸² Personally, I don't really have a stand on this view, but some make this kind of case.

Alternatively, Slote points out another way that the Care Ethicist could explain a difference in depth between gratitude towards animals as compared to gratitude towards humans, while remaining agnostic about moral responsibility and free will.

But there is another notion of depth that is relevant to gratitude and that makes for qualitative differences between the gratitude felt for the warm attentiveness of a pet and the gratitude felt toward a person with whom we have a more complicated and interesting relationship than we could have with any pet. Imagine, for example, that I am grateful to a human friend who is warmly attentive to me during some period when I am feeling low. The friend might pick up on my intense gratitude and feel even more warmly toward me as a result. And the psychological mirroring process can continue if I in turn empathically pick up on that increase of warmth and as a result feel even more gratitude, more warmth, toward the friend who is helping me through a troubled time. The mirroring complexity that then lies behind the gratitude I feel toward my friend goes well beyond anything a dog is capable of and constitutes a non-metaphysical richness that, again, dogs aren't capable of. This is just the kind of difference between our gratitude toward people and our gratitude toward animals that in fact allows one to think of ordinary gratitude toward people as frequently richer than anything we feel toward animals, and nothing in the metaphysics of moral responsibility, no thesis that we are not morally responsible, can or need disturb this familiar difference between gratitude toward animals and gratitude toward people.⁸³

So, there are possible avenues one might go in order to explain the difference in reactive attitudes we have towards humans as compared to the kind of approval we might feel towards animals without necessarily needing to explain this difference in terms of moral responsibility.

Next, one might argue that this all seems well and good when it comes to approval and positive reactive attitudes. However, once you think about the negative reactive attitudes, the worries are much stronger. For example, when we see a lion take

⁸² Thanks to Mark Rowlands for pointing this out.

⁸³ Slote *Freedom and Desert* 6-7.

down a gazelle, one might argue, don't we feel a kind of disapproval at the lion's lack of empathy for the gazelle? Yet, this is clearly not the fitting kind of response. We think this is unfitting precisely *because* the lion is not responsible for what she does. Responsibility must come into understanding the fittingness of the reactive attitudes.

We may well feel a sort of immediate chill or disapproval at watching this kind of scene play out. However, I think that once we reflect on it, and understand what is really going on here in terms of the right-making feature of a situation, our disapproval does diminish. That is to say, I think that understanding the motivations of animals is more difficult for us, and so we must proceed with caution. However, once we realize and understand the fact that this is the only way that lions have the capacity to survive, I think our disapproval fittingly disappears. In other words, the lion's motivation here is to eat and survive, and there really isn't an alternative way that she can achieve this goal. There is nothing so chilling about this kind of motivation, once we fully recognize it. It is harder for us to understand animal motivations, and so it may be harder for us to know when these reactive attitudes are fitting, and it is easier for us to make mistakes and have unfitting emotional reactions, as such we should proceed with caution. Care Ethics is still able to explain the reason disapproval isn't really fitting in this case.

There very well may be some cases where we do feel that moral disapproval towards an animal is fitting. In fact, thinking that in some cases we might feel disapproval towards animal behavior is the premise behind *Jurassic World* (sequel to the old classic films of the *Jurassic Park* series). There are many animals that humans appropriately fear in the movie, including velociraptors and the t-rex, because both animals kill humans. But the true antagonist of the movie is the fictional specially bred

“Indominus rex.” This animal, we learn, hunts not just to eat, but hunts for sport. Although the velociraptors and t-rex elicit fear in the movie, the Indominus rex is the only animal that seems to elicit disapproval. This beast is not just hunting, but it is killing for sport, and by the end of the movie, although the t-rex and velociraptors are seen as dangerous, we root for them to win their fight against the Indominus rex, which we see not just as an animal to treat as worthy of fear but we treat it as one we feel is worthy of disapproval. Interestingly, there is also an element of the movie, which ultimately blames and holds responsible the humans that created this monster through genetic engineering and not the animal itself. So, it does not seem that this disapproval of the animal relies on any assumptions that the animal is responsible.

There are real life examples of this as well. Some argue that dolphins are one of the few species that are capable of rape and murder. There are hotly contested debates about what is really going on here, which will matter significantly about whether we can fittingly disapprove of certain dolphins for actions they perform, and as I mentioned before, since it is harder for us to understand and so empathize with animals, we should proceed with great caution. Our knowledge about whether these reactions are fitting is limited. However, let’s stipulate (for the sake of argument) that it is the case that some dolphins do kill other dolphins for the recreation and sport of such killing. Some argue that there is evidence that this is the case. It seems that we would have disapproval for such an action. In fact, this is the reason why there is so much debate about exactly what the behavior among dolphins is, and what the motivations truly are. It seems that if these animals are killing for sport, this is something about which we feel disapproval, and I

think the Care Ethicist can say that in these special situations, disapproval is a fitting emotion.

It may still seem a bit strange to say that it makes sense to express our disapproval of murdering dolphins or the indominus rex. But I think this has to do with the fact that we cannot do much to overcome this behavior in dolphins. We do not share a language and can't communicate our disapproval to the dolphins. Nor do they have self-regulatory capacities, such that this communication would have any forward-looking kinds of good effects. This is why it may seem odd to talk about moral approval and disapproval towards animals and even have the concept of right and wrong action in many animal contexts. But perhaps a kind of moral disapproval towards the dolphins for these actions is still fitting in these kinds of cases, even if it isn't really practically useful to *express* such disapproval to the dolphins.

It is at least the case that our fitting approval in the case of Eleanor and Grace above shows that there is no reason to think that animals should be completely exempt from being thought of as the fitting recipients of moral approval and disapproval in the way that the sun and hurricanes should. As such, I think there is reason to think that this is not a devastating objection to the account of the fittingness conditions I have provided in this chapter, although the fittingness of reactive attitudes towards animals is worth more consideration at a later time.

Quality of Will Accounts of Responsibility:

The second criticism I want to discuss is whether my theory is really distinct from a Quality of Will theory of moral responsibility, such as the one developed by Nomy

Arpaly. Quality of will theories of moral responsibility have a commonality with Care Ethics with one rather large difference.⁸⁴ Quality of will theories say that a person warrants praise and blame according to their quality of will. In a way, then, Arpaly argues that what the Care Ethicist takes as a right making feature of a situation (at least roughly) is actually at the heart of a theory of blameworthiness, praiseworthiness, and moral responsibility. According to Arpaly, one has a good quality of will if one is responsive to the moral reasons, and one's quality of will can be better or worse according to their depth of concern. In this way, she also accounts for degrees of warranted reactions. It sounds like it may have some similar advantages to the view I lay out here.

The worry here is two-fold. First, why choose my theory over Arpaly's theory, which has at least some of the same advantages? The second worry is to ask whether my theory is really compatible with this theory of moral responsibility. Given that the theories are so similar, it may actually be harder to combine my theory of right and wrong action, with this theory of moral responsibility. If this is the case, then this is a challenge to the moral responsibility agnosticism.

It is worth noting that Arpaly's account is not about whether a reactive attitude is warranted or not, but it is about whether *praise and blame* are warranted or not. For Arpaly, a certain blaming attitude is warranted when a person displays a bad quality of will. Arpaly is really positing a compatibilist view of moral responsibility. My view differs substantially from hers in that it is particularly trying to be Moral Responsibility Agnostic.

⁸⁴ Nomy Arpaly, *Merit, Meaning, and Human Bondage: An Essay on Free Will* (Princeton University, 2006).

Although Arpaly does not claim to give a theory of the reactive attitudes, but rather one of praise and blame, she does say that “it is the blameworthiness or praiseworthiness of the agent for her action that makes her an ‘appropriate’ object of these emotions.”⁸³ As such, I think she would disagree with one of the fundamental assumptions I start with: that moral disapproval is an emotional reaction we have towards a wrong action *because* it is wrong. Instead, a reactive attitude is one that we should have towards a person who acts wrongly and displays a bad quality of will, because this makes her responsible and worthy of blame for this wrong action.

I want to note that I actually like a lot of the arguments Arpaly makes in support of her theory. There is a lot of common ground between our two theories, but with a few fundamental differences. But let me say a few reasons why there may be some advantages to my account, which understands our motivations (similar to the quality of will) as the right and wrong-making feature of an action rather than as a theory of moral responsibility. First of all, as I mentioned, Arpaly is not trying to directly give a theory of when the reactive attitudes are warranted. But it sounds like disapproval is warranted not when an action is wrong, but when somebody is blameworthy for her wrong action.

As such, there are a few things that I would want to know more about. The first of which is: what reactions are warranted when somebody acts wrongly or rightly but is not responsible? Given the fact that wrongness and blameworthiness come apart, and she has said “it is the blameworthiness or praiseworthiness of the agent for her action that makes her an ‘appropriate’ object of these emotions.” I wonder what reactions are justified in the case of wrong actions, in which a person is not blameworthy. It feels to me that the theory is unfinished.

Surely some kind of reaction is warranted towards a wrong action *because* it is wrong. By her theory I worry that wrongness and rightness have become uninteresting categories. I am not so ready to give up the idea that disapproval is directed towards a wrong action *because* it is wrong. Surely, just by the fact that an action is wrong, this makes some negative reaction warranted. In her article, Arpaly distinguishes between actions of moral worth, which we can be blame and praiseworthy for, and actions that are morally desirable, which she means as right under a Kantian framework. She thinks these two categories come apart. We can act rightly or wrongly but not be praiseworthy or blameworthy for it. But if the action is morally desirable, surely we should have some kind of reactive attitude towards it because of its moral desirability. But it is unclear what this reaction is, and who or what we should direct it towards.

Perhaps a quality of will theorist could say that shock and sadness (rather than moral disapproval) can be fittingly directed towards a wrong action because it is wrong. However, I argued above that, without positing that the person was responsible for this action, it isn't clear that this reactive attitude can fittingly be directed towards the person who acted wrongly. If the person is not responsible, after all, why shouldn't we direct this shock and sadness towards the situation overall, or prior event in the causal chain that led to this bad action, or the causal chain itself?

But, if this is the case, why have the wrongness as a category over and above something in the world that creates good or bad consequences? If we cannot direct any reactive attitudes towards a person for the wrong action they perform, then what is this category of wrongness doing? How is it fundamentally distinct from how we should

think and feel about natural disasters or other kinds of events that result in something bad that we also should fittingly feel sad about, but which do not warrant our disapproval?

Another way of putting this is that, in her article, Arpaly makes distinction between, for instance, actions that are wrong and actions that are blameworthy. But if a person is not blameworthy for a wrong action, then why regard it as anything other than something bad that's happened? Perhaps it is an event which we are sad came about, but what is the normative category of wrongness really doing? Especially if we can't really fairly direct any reactive attitude towards the person who acted wrongly?

Now, perhaps Arpaly might argue that she points to a very important distinction here, and, if I can't account for it, then my theory is the one in trouble. However, I do account for some interesting and subtle distinctions in similar ways to Arpaly. She distinguishes between wrong actions and blameworthy actions, but I can distinguish between actions a caring person would feel sad about, and wrong actions, for which we can fittingly direct moral disapproval towards the agent who performed them.

In fact, there are quite a few interesting things I can say about these kinds of distinctions. For example, in the next chapter I discuss the case of tragic accidents. These are cases, where we cause something bad to happen, but through no fault of our own. We did not really do anything wrong, but, without meaning to, we cause something bad to happen. These are cases where a person causes bad results, but where the person showed no lack of empathic care. A Quality of Will theorist would say that these are a wrong action, but it is a wrong action for which one isn't responsible. I would argue that this was not a wrong action at all, but an event with tragic results. An onlooker should feel a kind of sadness in the same way that we might if we find out that a tornado killed

somebody. So, Care Ethics can still account for a distinction here. However, I can even go further, I will also argue, in the next chapter, perhaps somewhat surprisingly, that a morally good person that causes such an accident will still feel some kind of rudimentary guilt. This is because we should empathize strongly with pain that we directly cause, and empathizing with pain that we cause is indeed a rudimentary form of guilt. I will come back to this case in the next chapter. For now, I just want to highlight the fact that Care Ethics can explain give a similar distinction in the same cases Arpaly cites, although it explains it in a different way.

I want to make one last point here. One of Arpaly's advantages is that her account can explain degrees of praiseworthiness and blameworthiness. One deserves more praise if one displays a better quality of will, more depth of concern for the moral reasons, and vice versa for blame. Again, this is not a theory of the reactive attitudes, but perhaps I could translate what she says to such a theory. Perhaps more disapproval is deserved when one is more blameworthy. This makes a lot of sense, and this is an aspect of her theory that I really like.

However, again, I would want to know why it is not the wrong-making feature of an action that makes stronger disapproval more warranted. That is to say, it seems to me that our reactive attitudes should be fitting to a stronger degree when the action is more *wrong* (worse in terms of the wrong-making feature), *rather than when a person is more responsible*. That is to say, the strength of a reactive attitude seems to be fitting at least partly in terms of how wrong the action is, and so explained through a normative moral theory. It doesn't make as much sense to me that strength of reaction is fitting according to a theory of responsibility. We should disapprove more of actions that are morally

worse. Murder is worse than forgetting to return a book and it has nothing to do with how responsible or blameworthy you are. Instead, it seems to me that it is at least partially about much worse, in terms of the wrong-making feature, murder is than such a small neglect.

I want to end this section by admitting that, while I work hard to distinguish my view from Arpaly's view, I am actually drawn to Arpaly's theory in many ways. Her argument really stems from similar intuitions that my arguments here stem from, and it has some similar advantages. It is kind of funny that I do have to concede that, at least at first glance, it looks like this is the one theory of moral responsibility that I am not sure that I can be agnostic about. I have argued that Care Ethics could still be combined with any view of moral responsibility, as it doesn't really make any assumptions about responsibility one way or another. However, at least at a *prima facie* level, it isn't clear how my view might be combined with Arpaly's precisely because there are such strong similarities. What Arpaly takes to be a theory of moral responsibility, I take to be part of a right-making feature of an action. As such, almost because of their similar natures, it's less obvious how Care Ethics could combine with this theory. I concede that this is a strong worry for my arguments here, although I do have one suggestion on how they might be combined.

Care Ethics says that an action is right in so far as it does not *display* a lack of empathic care. Arpaly's account asks what a person's quality of will actually is. So, perhaps these two theories could be combined. The honest merchant who does so only for profit may not display his selfish motivations. As such, this is not wrong according to the Care Ethicist. However, because he does not actually have these caring motivations,

perhaps one could say that he is not praiseworthy for these actions in Arpaly's sense. So, perhaps these two theories aren't impossible to combine. Although, I must concede that any full story about how this works would have to be complicated, and take a lot more time to work out than I can do here. This does seem to be one knock, but hopefully not a devastating one, against my pure moral responsibility agnosticism view.

Concluding remarks

Overall, I have shown that, in order to understand the reactive attitudes, it is helpful to fill in the right/wrong-making features of an action. This way we can understand what the reactive attitudes are a reaction to. Once we do this with a Care Ethical theory of right action, we can see why the object of our reactive attitudes are at once the wrong-making feature of a situation and, at the same time, the person who performed the action, without relying on any assumptions about moral responsibility or free will. I have also argued that adding in a sentimentalist meta-ethics can explain why the reactive attitudes are fittingly *emotional*, and why these emotional elements are not easily unembedded from our moral lives. This allows for a robust account of moral approval and disapproval that still remain agnostic about moral responsibility and free will. The Sentimentalist Care Ethicist can also account for the intuitive aspects of Strawson's theory while maintaining that there are fittingness conditions of these attitudes without assuming his controversial view of moral responsibility.

Chapter 6

Moral Reactive Attitudes with No Responsibility

In the last chapter, I argued that a Sentimentalist Care Ethics had something interesting to say about the fittingness of the reactive attitudes, without positing any assumptions about moral responsibility. In this chapter, I will argue that Care Ethics also says something interesting about the permissibility of expressing these reactive attitudes, again, without needing to endorse or deny any of the positions involving free will or moral responsibility. For instance, when it comes to guilt and apology, it is interesting to think about whether these reactive attitudes are fitting, depending on whether we have free will or not. But this isn't the only important issue. When we think somebody owes us a genuine apology, and they fail to provide it, we often think they have committed a further wrong. Merely saying that they have done something "unfitting" cannot capture all we want to.

In the first section, I will explain why the fittingness and the morality of expressing a reactive attitude are two separate questions. In the next section, I will argue that because of its sentimentalist nature and emphasis on the importance of emotions, Care Ethics has an advantage in accounting for the morality of expressing these reactive emotions. I will then apply what I've said to guilt and genuine apology. I will discuss what guilt is under a care ethical framework, and why guilt and genuine apology are fitting even if it turns out that we are not morally responsible, and why genuine apology (which displays real emotion) is even morally required. I next point out that responsibility is not sufficient for explaining the permissibility of expressing the reactive attitudes, but rather several other factors must come into play. I will argue that Care

Ethics can account for all of these other factors. In the last section, I will argue that responsibility is also not necessary for being obligated to express a reactive attitude, like genuine apology. We can see this when it comes to tragic accidents, and Care Ethics also accounts for this.

The Morality vs. the fittingness of the reactive attitudes:

This distinction between the fittingness of a reactive attitude and the morality of expressing it is nicely illustrated by an example from Pereboom and McKenna. For this example, let's say a friend has broken a minor promise to you and you, fittingly, feel some kind of moral disapproval about this. But then, before you have time to express this disapproval to her, you find out her child has just died in a car accident, and she is overtaken with grief. Even if your disapproval was a fitting reaction to what she did, it may be immoral for you to now express this reactive attitude.⁸⁵ So, the morality conditions for expressing a certain reactive attitude are a separate question from the fittingness question, when it comes to the reactive attitude debate.

I think Care Ethics has something interesting to say about both. So far, I have provided some information about what the Care Ethicist would say about the fittingness at least of moral approval and disapproval (which I think must be involved in the other reactive attitudes as well), and now I will turn to look at what the care ethicist would say about the morality conditions for expressing these reactive attitudes.

Others have also pointed out that the reactive attitudes have a moral status that sometimes has nothing to do with a person's responsibility. In a paper called "On Being Responsible and Holding Responsible," Angela Smith points out, "we ourselves are open

⁸⁵ Michael McKenna and Derk Pereboom, *Free Will: A Contemporary Introduction* (Routledge, 2016) 14.

to moral assessment for the blaming attitudes we take towards others."⁸⁶ These ethical factors must be taken into account when giving a theory of the reactive attitudes, and these factors don't necessarily have anything to do with a person's status as a deserving/morally responsible agent. In fact, in the last two sections, I will argue that responsibility is not necessary or sufficient for the morality of expressing these attitudes. Moral theory is crucial to understanding the permissibility of expressing our reactive attitudes. The reactive attitudes debate is often taken up by responsibility theorists, but it is clear that it is a normative moral issue as well. In a later section, I will, more specifically, suggest that Care Ethics can easily account for all of the factors that Smith mentions as important in assessing the permissibility of our reactive attitudes.

It makes sense to think that moral theorists (rather than just responsibility theorists) should be offering a theory about the permissibility of expressing the reactive attitudes. It does seem, after all, that expressing emotions in reaction to another person is itself one type of action. It is more unified and efficient to think that the same theory of right and wrong actions that describes the permissibility of all other actions could also be used to understand the permissibility of this special kind of action (a reaction). And if an ethical theory can account for the moral status of expressing certain reactive attitudes within its same account of what makes any other action permissible, this would be an advantage for the ethical theory. It would only need to posit one theory of right action, not two (that is, one for "normal" actions, and a separate for the *reactions* it is permissible for us to express).

⁸⁶ Angela Smith, "On Being Responsible and Holding Responsible." *The Journal of Ethics* 11.4 (2007): 482.

The Advantage of Empathy, Emotion, and Relationships

I think Care Ethics has the elements to be particularly adept at explaining the moral status of the reactive attitudes. The Care Ethicist can argue that we should analyze the morality of expressing a certain reactive attitude straight through the lens of Ethical Theory and in just the same way it would analyze any other action. It has an edge because it won't take any fancy foot work to explain why displaying one's inner emotions is a matter of moral concern.

Care Ethics says that what makes an action right is that it does not display a lack of empathically caring motivations. And empathizing with a person constitutes respect for this person.⁸⁷ I think this means that Care Ethics, more than other theories can explain why expressing certain reactions can be morally right, and why failing to express them can be wrong. For instance, when you fail to apologize, in fact, even if your apology fails to be genuine, we think a person may be acting wrongly. I think Care Ethics can explain this quite easily. A failure to apologize (in some cases) displays a lack of empathically caring motivations. This will become clearer once I explain my view of guilt, but right now I want to point out that that Care Ethics' emphasis on our emotions is a helpful aspect of the theory.

At the very heart of Care Ethics is the idea that we do not discount *emotional connection* between people when it comes to ethics. And the importance of the reactive attitudes to interpersonal connection is an important element in the history of this debate. In fact, P.F. Strawson's entire reason for bringing up the importance of the reactive attitudes has to do with the role he thinks they play in our interpersonal emotional connections. P.F. Strawson argues that the reactive attitudes are crucial to good

⁸⁷ Slote *The Ethics of Care and Empathy*.

interpersonal relationships, and so, he argues, we can't scrutinize these attitudes based on questions about free will.⁸⁸ Care Ethics, because it counts our caring interpersonal relations as the fundamental part of morality, agrees with Strawson in important aspects. Namely, it agrees that good interpersonal relationships essentially involve emotional connection, and that these interpersonal relationships are at the heart of moral goodness.

Strawson argues that this means that we can't get rid of moral responsibility. Instead, moral responsibility is to be understood in terms of our practices of reactive attitudes rather than any assumptions about our free will. He thinks that getting rid of these reactive attitudes would force us to take an objective stance towards other people, would change our personal relationships fundamentally, and that this would just be psychologically impossible for us. As such, these practices are held as the given uncriticizable starting point in our moral lives. In addition, Strawson is really positing a theory of moral responsibility, which says that responsibility just consists in these reactive attitude practices. Strawson is offering a compatibilist account of moral responsibility.

Care Ethics is the only ethical theory that, without any complicated footwork, agrees with Strawson on these fundamental aspects. It would agree that (at least some of) the reactive attitudes (as they involve empathy or lack it, which I will illustrate in this chapter and the next) are a necessary part of our interpersonal relationships, and this means that we have a moral reason not to get rid of at least some of the reactive attitudes.

However, the Care Ethicist is also doing something strikingly different from Strawson here. Care Ethics would not say that all of these practices are to be held as the starting point and are not to be scrutinized or criticized. Nor is it positing a theory of

⁸⁸ Strawson 1–25.

moral responsibility at all. Instead, I think that the Care Ethicist can remain silent about moral responsibility and look at the morality of expressing the reactive attitudes like it would any other moral action. It can analyze them in terms of a theory that takes certain kinds of relationships, namely caring ones, as a moral good, and it is actively scrutinizing our expression of the reactive attitudes in terms of this moral good.

Care Ethics would not indiscriminately put all of the reactive attitudes into one category and say that we cannot scrutinize them because of the role they play. Instead they would be scrutinized on a case-by-case basis in terms of whether the particular attitude displayed empathic care or lacked it. So, while there is some strong similarity between what Strawson is saying and what the Care Ethicist says, there is also an important distinction here.

My point is not to argue that no other theory could explain the permissibility of the reactive attitudes, but I do want to suggest that Care Ethics, because it does emphasize the importance of emotions and interpersonal connection, is particularly suited to explaining the permissibility in a very straightforward way. Empathy and Care are the right making features of actions, and, as I will illustrate, expressing some reactive attitudes displays (first-order) empathy and care.

Guilt and Apology:

Regret and Guilt

Let me illustrate why Care Ethics has a specific advantage here by discussing guilt. Then I will turn to apology, which I think is the main way we express guilt such that it becomes an action that is morally assessable. I will argue that apology is not just

sometimes fitting and permissible, but sometimes it's obligatory. Not only is it sometimes morally right to apologize for your misdeed, but sometimes we think that a person is acting wrongly when they fail to *genuinely* apologize for a misdeed. That is, when they do not really mean their apology. In fact, I think we find it *disrespectful* when a person does not apologize (and mean it) to the person they have wronged. I will argue that Care Ethics can explain what guilt and apology consist in, why they are fittingly inwardly directed, and why they are sometimes morally required as a matter of respect. In fact, because Care Ethics is one of those few moral theories that has always said that it can be wrong to fail to display certain emotions, and so it has an advantage in explaining all of this.

Let me start by explaining how I think the Care Ethicist would analyze what guilt consists in, how it relates to the wrong-making feature of an action, and why guilt can be a fittingly inwardly-directed without making any assumptions about moral responsibility. The Care Ethicist could distinguish at two types of negative self-directed reactive attitudes, the second building on the first. For the Care Ethicist, I think the first step of guilt just comes from contemplating and empathically feeling the pain or hurt we have caused in another. For example, suppose I break a promise and fail to pick up a friend from the airport, part of the guilt I feel is simply a result of the empathy I have with my friend's feelings of pain at being abandoned at the airport. I project myself into my friend's shoes, and I empathize with how my friend feels. I feel pain from the friend, and this, plus my care for the friend, causes in me a feeling of sorrow. If you take this empathic pain and add in the knowledge that I caused this pain, then this should create a feeling of moral sadness and a regret for the causal role that I played in creating this pain

and/or sadness. Nothing about this story makes any assumptions about moral responsibility yet.

In fact, what I have said here is comparable to what others have said about whether guilt makes assumptions about free will or desert. Derk Pereboom, a Free Will Skeptic, thinks that although guilt would not be justified under Free Will Skepticism (since this involves recognizing ourselves as blameworthy), that a kind of regret and sorrow at the wrong you have done would be justified in such a world. He thinks one can still accept that “you have done wrong... [and] feel deeply sad that you were the agent of wrongdoing.” Pereboom argues that this kind of self-directed reactive attitude of sorrow and regret is sufficient for maintaining good interpersonal relationships and it may still work to aide moral development in persons.

The Care Ethical approach to guilt is friendly to Pereboom’s overall project of Free Will Skepticism. However, I disagree with Pereboom that a full-fledged, and more robust form of guilt must involve an aspect of blaming yourself. Instead, I think Care Ethics can explain why guilt is more robust than simply sorrow and regret as he sees it, without needing to say that the difference between the two relies on the component of blame.⁸⁹ For the Care Ethicist, one just (once again) needs to add in the account of what makes the action wrong, in order to explain why guilt is appropriately inwardly and backwardly directed, and why it is different from a mere moral sadness.

An agent-based theory of what makes an action right or wrong seems to be the only kind of theory that can explain why guilt at a wrong action is fairly inwardly and

⁸⁹ In fact, it might be compatible with the view that we should eschew blame, if blaming a person gets in the way of caring and understanding.

backwardly directed without needing to say anything about the person being responsible for these actions.

In other words, there is another step to this story that a Care Ethicist can also account for, which goes beyond mere sorrow and regret, and accounts for why it is fitting that guilt has an inwardly directed and backward-looking component. It is not simply regret and sorrow directed at another's pain, or even the added layer that you caused such pain. Instead it is the knowledge that you caused this pain *because* of your lack of empathy. It is a regret and sorrow at the bad results you caused, plus a focus your own past selfish or bad motivations or negligence, which led to this. In the same way that it is fitting to direct our disapproval towards the agent and not just the wrong-making feature. It is also fitting to have an inwardly directed regret directed towards your inward motivations, which just is the wrong-making feature.

A moral sadness directed at a wrong action will have an inwardly directed component that involves the recognition that empathic care on your part could have prevented the pain you have caused this other person. For a Care Ethicist this reflection on the wrongness or wrong-making feature of an action just is a reflection of yourself in some way. Focusing on the wrong-making feature just means to focus on your own bad motivations. This explains the inward focus, which we think should be an important part of guilt over immoral actions, and yet, it does not rely on blaming ourselves nor does it rely on any assumptions about moral responsibility. Instead, this inwardly directed component is built into the wrong-making feature of actions, for the Care Ethicist, because it is an agent-based moral theory. It plays this special role, which makes it the place where we direct our reactive attitudes towards.

One might argue that this has started to sound a bit less like a sentimentalist account of guilt, as I am talking about recognizing the wrong-making feature. But I do not think this recognition needs to happen or even is likely to happen in terms of some kind of rational recognition of the wrong-making feature at all. Instead, we can easily understand how this recognition happens in terms of a sentimentalist account. For instance, early feelings of this full-fledged guilt is not likely at all to happen from some kind of rational knowledge of the wrong-making feature of an action. Instead, it's likely to happen by empathizing with the fact that your parents would disapprove of the behavior that led to somebody else's pain. Empathizing with your parents' disappointment tells you that more empathic care on your part could have avoided this bad result. In this way, you are recognizing your lack of empathy and care, which is to recognize the wrong-making feature of a situation for the Care Ethicist.⁹⁰ However, it need not happen through some kind of rational process nor need it only happen once you've intellectually grasped the concept of wrongness at all.

It's also important to remember, for the Care Ethicist, even full-fledged guilt is not merely inwardly directed. Guilt has an interesting and complex nature of having an inwardly directed element, but also an outwardly and other focused direction. The first step in guilt comes from empathizing with the pain you have caused in another. Meaning that the starting point of this guilt should be a focus on the other for her own sake. Guilt is simultaneously inwardly and other-directed, according to the Care Ethicist. This mix of an inward and an outwardly directed element matches the phenomenology of what it is like to feel guilt.

⁹⁰ Thank you to Michael Slote for help on this idea.

Notice that if a moral theorist gives anything other than an agent-based account of the wrong-making features of a situation they would not so easily be able to explain the inward directed nature of guilt. For instance, this is a distinction that a traditional or pure consequentialist cannot give without resorting to discussing the responsibility of an agent. Many forms of consequentialism would say that regretting the source of the wrongness would be to only regret the consequences of the action, rather than one's own past motivations and inward self. As such, it is unclear why we should feel anything more than a kind of moral regret for causing the bad consequences. In this way, if you take many consequentialist views, the guilt we should feel at a moral wrong and the guilt we should feel at an accident we caused would not be any different. This is because, for, at least traditional consequentialists, recognition of what made the action wrong just would be the consequences, and would not involve an inwardly directed component.

If a theory is not agent-based, then it's hard to say why we should also direct our guilt back towards ourselves without saying that I direct it inwardly *because I am the one who is responsible for this wrong action*. This brings a theory of moral responsibility back into the mix, failing to let us be "moral responsibility agnostic." One might try to argue that they just mean moral responsibility in the least robust way possible, by responsible they just mean that the guilt is fairly directed at yourself because you are the one who caused this action. However, if one tries to use this explanation, they can no longer distinguish between regret for accidentally causing some bad result and the kind of more robust feeling of guilt for doing something wrong. I will discuss this distinction in more detail below, when I talk about tragic accidents.

Moreover, if you are a Hard Determinist, and you think that we should appreciate that everything we do is determined by a prior set of circumstances, which was in turn determined by a prior set of circumstances, and so on, it's not clear why we shouldn't get away from the inward focus, and instead direct our moral sadness equally to each step in the causal chain or the causal chain itself, which led to this morally bad action. So, in order to explain the fittingness of the inwardly directed element it is challenging to remain agnostic about moral responsibility.

Since the Care Ethicist says that an agent's lack of good motivation is what made the action wrong, she can explain the inwardly directed element without making any assumptions about moral responsibility. Instead, because Care Ethics says that guilt is a moral sadness and regret plus a focus on the wrong-making feature of an action, which, for the Care Ethicist just is something about yourself. To focus on the wrong-making feature of the action would be to focus on my own motivations and care or lack-there-of. We don't need to give any special explanation for why we have an inward focus on ourselves rather than a prior step in the causal history, or the causal chain itself. We have an inward focus on ourselves because we are the ones that made the action wrong.

Let me illustrate the distinctions I want to make here by thinking of the term "my fault," and explain this concept without relying on assumptions about moral responsibility or moral blameworthiness. I think Moral Sentimentalism can still explain the notion that something is "my fault," without saying that we are blameworthy or deserving. That is, when we say that something is "my fault," I think we might mean to say that something is a result of our lacking good motivation and that this is what resulted in something wrong. So, I think that the idea of "my fault" can be separated from

“blameworthy.” It was a fault of mine reflected in action, but it does not have to be a fault for which I am ultimately responsible and so blameworthy for. Neither does this fault need to be a reflection of some kind of stable character trait of mine. “My fault” means that something was a result of my lack of empathically caring motivations at the time.

For Moral Sentimentalism these cases that are “my fault” and, for which we should feel the full-fledged feelings of guilt, are going to coincide exactly with all wrong actions because this is how Moral Sentimentalism defines wrong action. Namely, my own lack of empathically caring motivations is what made the actions wrong, and this kind of action is “my fault.” Care Ethics can explain why it makes sense to say “I’m sorry, that was my fault,” without making the assumption that you are blameworthy for it.

So far, the explanation of the Care Ethical guilt and the fittingness of it parallel the explanation of moral approval and disapproval. Since Care Ethics is an agent-based moral theory it can explain why the object of guilt is at once the agent of wrong-doing (yourself) and the wrong-making feature of an action, without bringing in notions of moral responsibility. This is because the agent *is* the wrong-making feature of an action.

Genuine Apology:

Once we understand how Care Ethics explains guilt, we can also understand how Care Ethics can explain why it makes perfect sense and it can be fitting to apologize, regardless of whether it turns out that you are morally responsible or not. Moreover, it can account for the difference between different kinds of apologies. Care Ethics can account for the difference between “I’m sorry that this happened to you,” and “I’m sorry

that I accidentally caused this,” and "I'm sorry that I acted wrongly./ I'm sorry that was my fault." All will involve empathically picking up on another person's pain. The second will involve more empathy since actions we cause evoke more empathy than actions we merely witness, and it would involve a regret for the causal role that we played in the painful results.

Lastly, Moral Sentimentalism accounts for the third difference in “I'm sorry, that was my fault” which is equivalent to “I'm sorry I acted in a morally bad way,” and it can do so without relying on assumptions of moral responsibility, free will, or desert. This third kind of apology involves empathy with another's pain, along with recognizing that your lack of empathically caring motivations caused this pain. So, you are apologizing for acting in a way that reflects a fault of yours, which made this action wrong. So, apologies for morally wrong actions do differ from other kinds of apologies. This mirrors the explanation of how Care Ethics accounts for different kinds of guilt.

The Moral Status of Guilt and Apology

I have explained how I think the Care Ethicist might analyze guilt and apology, and why this analysis does not automatically carry any assumption about your own moral responsibility. Even the most robust case of pure guilt over a wrong action does not need to imply that you were responsible for your wrong action, according to the Care Ethicist. Instead, it explains the inwardly directed nature of guilt purely through empathy and its account of what made the action right or wrong.

However, what is even more interesting is that apology and guilt are not only attitudes that we think are fitting, but these attitudes very clearly have a moral status. In

fact, not only do we think expressing guilt through apology is sometimes permissible, but we think it can be morally obligatory to do so as well. We think that somebody can owe us an apology, and they are committing a further wrong when they do not deliver it.

In fact, we often say that we are not just owed an apology, but that we are owed a *genuine* apology, that is, an apology that displays real emotion behind it. We can fairly complain when a person fails to apologize, and we also can fairly complain when “a person didn’t really mean” their apology. This is a fairly common way of speaking and a fairly intuitive notion, and yet moral theorists rarely discuss this. Sometimes there is a moral imperative to display a real emotion (regret, sadness, and guilt) behind your apology.

This shows how we really do think that displaying certain emotions can be obligatory. Yet, most moral theorists shy away from arguing that our emotions can ever be a matter of obligation, but rather it is only our actions or our moral character, which are morally evaluable. But when it comes to the normative status of the reactive attitudes, cases arise where, intuitively, we do think there is a requirement to display certain emotional responses.

Care Ethicists have no problem here, because Care Ethicists have always said that it is wrong to display a lack of empathic care. If you fail to show genuine remorse for causing pain, then this may indeed display a lack of empathic care. And now I have shown that empathy is directly involved in guilt as well. And I think by genuine apology we mean an apology that displays real remorse and/or guilt behind it. This means that a Care Ethicist has the framework to count a lack of genuine apology as morally wrong in some cases. If I am right that empathy is central to guilt, and if lacking guilt involves a

lack of empathy for the pain you have caused another, then failing to express this guilt through genuine apology in some situations is morally wrong, according to the Care Ethicist.

In fact, the Care Ethicist would not only count this as morally wrong, but if a lack of guilt is caused by a lack of empathy, then the Care Ethicist would count this as disrespectful, according to the theory of respect as empathy laid out in Chapter One. And, when it comes to everyday life, I think this is quite intuitive. It's not just morally problematic or reflective of another person's lack of good character when they fail to provide us with a genuine apology, but I think we do take it as a lack of respect towards us. It is not just a wrong in that it causes us pain, but it is wrong because of the way this means that this person views us. This discussion of the moral obligatory nature of expressing guilt through apology, and the way that empathy may be involved in guilt, provides more evidence that empathy constitutes respect.

More Advantages for Care Ethics on the Permissibility of the Reactive Attitudes:

As I mentioned at the beginning of this chapter, Smith also argues that moral considerations in addition to considerations of responsibility must come into play in assessing the reactive attitudes. According to Angela Smith "our intuitions about whether it is fair to react negatively to another are sensitive to a host of considerations that appear to have little or nothing to do with an agent's responsibility or culpability for her attitudes or behavior."⁹¹ Instead, she thinks that considerations about "the moral judge and her relation to the agent" also come into play in understanding the permissibility of holding

⁹¹ Smith 466.

each other responsible.⁹² I think it would be useful if a normative ethical theory could account for the features she thinks must be accounted for, and the Care Ethicist is in a better position than most to do this.

In doing this, Smith shows that responsibility is not sufficient for understanding the morality of expressing the reactive attitudes. Other moral considerations must come into the equation in understanding the permissibility of expressing the reactive attitudes.

Smith points to four factors that contribute to the permissibility of holding another person responsible: 1) Our own relation to the person, 2) our own moral standing, 3) the significance of the fault, and 4) the wrongdoer's own response. These are all factors that have nothing to do with whether the person is morally responsible, and yet they are directly relevant to the moral permissibility of expressing certain reactive attitudes. I will argue that Care Ethics would take very seriously all the other factors that Smith mentions must come into evaluating the permissibility of expressing the reactive attitudes.

First, Smith points out that one's relationship to a wrong-doer is a relevant factor in deciding whether it is right to react in certain ways to their immoral action. She thinks, "in many cases, it is simply not our place to reproach another for a faulty action or attitude, even if we think such a reproach is deserved."⁹³

I think Care Ethics can account for this factor. Empathy is a partial psychological trait. As such, Care Ethics' use of empathy in its theory allows it to account for the closeness of one's relationship as a morally relevant detail in permissible actions. We empathize more with those we are emotionally and physically closer to. Care Ethics allows for partiality in our moral obligations in this way. The Care Ethicist says that it is

⁹² Smith 472.

⁹³ Smith 478.

worse not to save a drowning child right in front of us than it is not to donate our extra money to UNICEF, because the former would display a much more intense lack of empathic care. Although both are bad, it does allow for a difference in our obligations. As such, I think it can easily account for more emotional involvement being a morally relevant detail in understanding the permissibility of the reactive attitudes.

Let me illustrate how this might be the case. If I have two children, and one hits the other while I am watching them. I might not only fittingly feel disapproval, but it might even be obligatory that I express this disapproval. Otherwise, it may display a lack of empathy for one of my children's pain. However, if I'm a stranger jogging by in the park, and I see the same thing, it may not display a lack of empathy to anybody if I don't intervene. There is much more to be said in working out the details, but as partiality is a part of Care Ethics, I think that there is reason to think that Care Ethics is in a good starting position to work these details out.

Second, Smith points out that it seems that our own moral character can change the permissibility of our reactions to another person's wrong action. Smith argues, "when it comes to expressions of moral criticism, the fact that we share a moral fault with the agent can undermine our authority to explicitly reproach her for it."⁹⁴ Smith sites reasons of hypocrisy.

However, I think that the Care Ethicist can account for this factor as well. If one is reacting negatively to another for some character trait you share, then it actually seems to display less empathy for this person's position. Our background context should give us more empathy and understanding with another's fault in this kind of scenario. You should basically have more understanding of their background conditions rather than a

⁹⁴ Smith 479.

focus on blame, because you have a special insight into how it is possible to act in such a way.

Third, Smith argues that one should take into account an agent's own response to a moral failing in understanding the permissibility of one's reaction to that wrong. That is, it may not be right to react strongly to somebody who is already guilt-ridden and apologetic for their wrong action. I have shown that guilt involves care and empathy for the pain of the hurt person. As such, this kind of reaction of guilt itself can be heartwarming.

Genuine guilt and apology display care and empathy. Not only does it just display empathy and care, but it does so as a direct result of the pain that they caused for their past lack of empathy and care. It makes sense that an Ethics of Care could account for why this display of guilt and apology should warm one's heart, and why it might (depending upon other factors), make it wrong for you to keep heaping certain negative reactions upon them when they are already in pain and showing care and empathy for you. In fact, this illustrates that perhaps forgiveness is also a reactive attitude that is not just permissible, but it may sometimes be obligatory. The Care Ethicist may be able to account for this.

There exists another significant feature in understanding the moral permissibility of our reactive attitudes, which Smith does not mention: the situation and context in which one offers criticism. This factor can be seen in the example of a friend of yours who has broken a minor promise to you, which I discussed above.⁹⁵ For the sake of argument, let's say that the person was morally responsible for breaking this promise, and for the sake of this example, let's also stipulate that in normal circumstances one could

⁹⁵ McKenna and Pereboom 14.

justifiably react with some kind of negative moral reactive attitude. However, in this case, let's say that this person has just lost her child. It seems hardly permissible that one should express your moral disapproval or indignation for her promise-breaking. It seems that your empathy for her loss and pain should swamp any negative reactive attitudes, even feelings of disapproval in this situation. The question of her responsibility is beside the point here. One shouldn't express or even really have any reactive attitudes in this situation.

Care Ethics can easily account for why reacting negatively in this situation is wrong. It would obviously just lack care and empathy for your friend and her incredibly painful situation. It's clear that a caring friend will be overwhelmed by the pain and loss her friend is feeling in this kind of tragic case, and all other smaller matters should just fly from one's mind. Care Ethics is very sensitive to the particulars of a context in explaining right and wrong action, and so, I think it can easily account for why these kinds of contextual features make a difference to the moral status of expressing or even feeling a certain reactive attitude.

Smith provides one last morally significant factor in determining the permissibility of the reactive attitudes. She says that we "take into consideration the nature and significance of the agent's fault in determining the appropriate response to her." That is, "deliberate cruelty is different from moral indifference."⁹⁶ It seems that the strength of reaction should match the level of carelessness or malice that a person displays in their wrong action.

This raises a further advantage for Care Ethics, which is that it can explain the appropriate *strength* of the reactive attitudes in terms of the *degree* of

⁹⁶ Smith 480.

rightness/wrongness of an action. As mentioned before, I think Care Ethics has a general advantage, because it accounts for degrees of rightness and wrongness. Most moral theories account for a satisfying condition of what makes an action right or wrong, and most theories of moral responsibility account for a satisfying condition for when a person is responsible or not.⁹⁷ However, less attention is paid to gradations of rightness and wrongness or gradations of responsibility. As such, it is tricky under other accounts of responsibility or moral theory to explain the degree of reactive attitude that is permissible. Care Ethics does not have a problem here.

Care Ethics explains the degree of permissible reactive attitudes because the wrong-making feature of actions is a person's good or bad motivations, and this wrong making feature comes in degrees. In this way, Care Ethics explains the gradation of rightness and wrongness in exactly the terms that Smith describes. A person who shows deliberate cruelty is less empathically caring than one who was indifferent, and so the action is worse, from the Care Ethical perspective. I think that Care Ethics can explain this gradation of permissible reactive attitudes through its account of right and wrong action, since it not only allows for satisfying conditions of what makes an action wrong, but it allows for gradations of wrongness.

This does go back to the fittingness of the reactive attitudes, but I think the fittingness of the degree of the reactive attitudes will translate directly into a factor about permissibility in most cases. If you scream at somebody out of anger for stepping on their foot, then this is an overreaction and unfitting response, but this unfittingness along with the strength of the reaction just involves a lack of empathy. I will cover the issue of

⁹⁷ For a discussion of degrees of responsibility see Dana Nelkin, "Difficulty and Degrees of Moral Praiseworthiness and Blameworthiness," *Nous* 50.2 (2014): 356–378.

how fittingness relates to permissibility in the next chapter. I do think that fittingness is strongly correlated to the morality of expressing a reactive attitude.

One last advantage for the Care Ethicist is that it accounts for an asymmetry between the morally good and the morally bad reactive attitudes, which we intuitively think makes sense. There is a lot of reason to evaluate or rethink our negative reactive attitudes, which display a lack of empathic care and can hurt interpersonal relations, and there is less reason to rethink expressing positive reactive attitudes. If you heap too much approval on somebody for the most part isn't too problematic. It doesn't directly cause pain, which you must empathize with. Of course, this isn't always true. It may lack some empathy and care towards a second person looking on, who you have not praised as lavishly for a similar action. However, the moral considerations against it are not nearly as strong in most cases. If you unfairly heap anger and resentment on a person, then this may cause a huge amount of pain and suffering, and lacking empathy with this is by no means inconsequential. So, there may be more moral reasons against negative reactive attitudes than against positive ones.

Smith has shown that ethical theory must have a role in understanding the permissibility of the reactive attitudes. I am arguing that Care Ethics is particularly suited for this role. Care Ethics' theory of right and wrong action takes into account the particulars of the context, the particulars of a relationship, and the importance of emotions to relationships. As such, it seems especially able to account for the morally relevant features of assessing the permissibility of the reactive attitudes, which I have discussed above.

In fact, what I have said about guilt and apology illustrates an advantage for the Care Ethicist beyond what Smith has said here. Smith only shows that the permissibility of the reactive attitudes may take into account considerations other than responsibility, showing that responsibility is not sufficient for the morality of expressing the reactive attitudes. However, I think that Care Ethics can explain when expressing a reactive attitude may be obligatory, even when a person is not responsible. Care Ethics can explain the obligatory status of some reactive attitudes because failing to apologize when you've caused pain may display a lack of empathically caring motivations. It is unclear what a responsibility theorist alone could say about the obligatory nature of these reactive attitudes at all. I really think the sentimental nature of Care Ethics gives it an advantage here.

Tragic Accidents:

Smith has shown that responsibility is not sufficient for the morality of expressing the reactive attitudes. I next want to argue that responsibility is also not a necessary condition for the morality (even the obligatory status) of expressing the reactive attitudes. I will go back to the example of guilt and argue that responsibility is also not necessary for it being obligatory for you to express regret by providing a genuine apology.

In at least some cases, a genuine apology is morally required, and I have argued that nothing about this requirement or these reactive attitudes themselves necessarily need to make any assumptions about our free will or moral responsibility. What is more interesting is that they may be morally required, even in cases where we could all agree we are clearly not morally responsible for what we have done. This is true when it comes

to tragic accidents. These are cases in which it may be morally required to express regret, even though you are clearly not morally responsible! This shows just how important and useful Care Ethic's moral responsibility agnostic account of some kind of negative self-directed reactive attitude is, no matter what stance you take on the free will debate.

I have been arguing that it is an advantage of efficiency for a moral theory to remain agnostic about moral responsibility. Now I'm arguing that the case of regretful reactions over tragic accidents shows us that there is independent reason that at least some of our reactive attitudes must come apart from moral responsibility no matter what stand you take on the free will literature. Tragic accidents, by their very definition, are bad things you cause, but for which you are not responsible. Yet, we think somebody is morally wrong or even acting abhorrently if they do not feel regret and offer an apology if they cause a tragic accident.

By tragic accidents I mean those kinds of cases where a person does something that causes another person harm, but where it really was done by no fault of her own. She could not have predicted this result even if she tried. By definition, I think that these tragic accidents are cases where we do not think a person was responsible for what they did. For instance, let's say a person is driving. She is not intoxicated, she is paying attention, and she is following all of the rules of the road. However, through no fault of her own, a child runs out in front of her car, she hits the child, and the child suffers a lifelong injury as a result. It seems clear that this person is not blameworthy for the action in any way.

Yet, in tragic accidents, we should still feel some kind of negative emotion that comes very close to guilt. I call this regret as I don't think the full robust feeling of guilt

is fitting or morally required, but rather the first step in my two-part explanation of guilt above. In these cases, the person is clearly not morally responsible, and yet I think, intuitively, it would be inappropriate and even morally abhorrent not to feel moral sadness and regret, which is related to the feeling we have when we act wrongly.

In other words, if the driver's attitude is just an objective stance, since "well I didn't do anything wrong," we think this person is acting morally wrong. She just caused a life-long injury to a small child after all. One may even argue that this person owes the child some reparations, not necessarily in money (although maybe), but at least in continued extra care and interest in this specific child's future well-being, and at the very least in terms of a genuine apology for the part they played in such an accident.

Care Ethics nicely explains why we should feel regret and sorrow in the case of tragic accidents. An agent should feel regret and sorrow, even at a tragic accident, because this is a reaction one has as a result of care and empathy. If one does not have this reaction it displays this person's lack of empathically caring motivations. In other words, the person who does not feel moral sadness about accidentally hitting a child is showing a callous lack of empathic concern. This should be the case, even if they cognitively recognize and agree that they are not blameworthy or morally responsible for this action.

It also explains why we should feel this for tragic accidents that we cause rather than in tragic accidents that we merely witness. This is because empathy is sensitive to causal factors. We empathize more with pain we cause rather than pain we merely witness.

Notice that Pereboom's account of guilt also implies that regret and sorrow are appropriate even when a person is not responsible for what they have done, and so they can explain why guilt is an appropriate reaction to have at tragic accidents that we cause. Pereboom argues that the fittingness of our feeling sorrow and regret for an action is not justified in terms of whether we are blameworthy or not. I think that this leaves Pereboom open to say that we should feel regret and sorrow at tragic accidents just like we should at wrong actions.

However, the Care Ethicist has two advantages over Pereboom's account taken by itself. (Of course, the two could easily be combined, as they are friendly approaches.) First, the Care Ethicist can show us why moral regret is not just permissible, but why guilt and apology may be morally required. Empathizing with a person, will lead us to feel guilt when we directly cause them pain, and we cannot display a lack empathy with another person, according to Care Ethics. As such, it is morally required to apologize and not just permissible. Notice, this shows that moral theorists need to talk more about the reactive attitude debate. If expressing some reactive attitudes is obligatory, and obligatory even when we are not responsible for what we have done, then it is obvious that a theory of moral responsibility cannot alone do all of the work it needs to do in explaining the reactive attitudes.

Second, Care Ethics also explains why it is appropriate to feel guilt at a morally *wrong* action and why this should be more robust and inwardly directed, unlike the regret we should feel at a tragic accident we cause. The Care Ethicist's account adds something to the Hard Incompatibilist account here. Namely, when we regret acting wrongly, we are regretting the source of the wrongness, which, for Care Ethics, just is regretting one's

own motivations. This explains the inwardly directed component of guilt we should feel at wrong actions. There should be some difference between what we feel at tragic accidents and what we feel when we act wrongly. A Moral Responsibility Skeptic cannot explain this difference on their own, but the Care Ethicist can, as I've shown above.

A Moral Responsibility Skeptic, without any accompanying ethical theory, would say that a more robust kind of guilt is unjustified in the case of a tragic accident because we are not blameworthy, but that it is also unjustified in the case of wrong actions. We do not have the free will it takes to be morally responsible or blameworthy for any of our actions after all. Moral sadness and disappointment are the only justified self-directed reactive attitudes, and it seems that we should feel equally morally sad and disappointed at tragic accidents we cause and at wrong actions we perform. This is a problem for the Moral Responsibility Skeptic. It is clear that tragic accidents and wrong actions one purposefully performs should cause different kinds of self-directed moral reactive attitudes.

I think Care Ethicist has an advantage because it can give a much more complex and nuanced account of self-directed reactive attitudes than just a belief in Moral Responsibility Skepticism alone can. Moreover, it has the capacity to show why some reactive attitudes are not just permissible but morally required. Yet, like the Moral Responsibility Skeptic, it does not rely on any assumptions about free will or moral responsibility, and this may be important in explaining why we should feel regret when we cause a tragic accident.

Concluding Remarks:

Overall, I have argued that normative moral theorists should be saying more about the moral status of the reactive attitudes. This has mostly fallen to responsibility theorists to explain, but Smith has shown that responsibility is not sufficient for expressing the reactive attitudes, and I have argued that responsibility is not a necessary condition for being morally required to express a certain reactive attitude. It is clear that normative moral theories need to say something here. I have also argued that Care Ethics has some specific advantages in saying something about the normative status of the reactive attitudes because it takes seriously our interpersonal relations and the importance of displaying empathic care.

Chapter 7

Moral Anger with No Responsibility

In chapter four, I discussed the fittingness conditions of the reactive attitudes and in chapter five, I discussed the morality of expressing these reactive attitudes. I now want to discuss how these two questions relate to one another. I will argue that Care Ethics can explain why it may be necessary (or at least necessary in most cases) for a reactive attitude to be fitting in order to say that it is morally justified to express it. However, Care Ethics doesn't need to have full doxastic rational justification for a reactive attitude to be morally permissible to express. As a sentimentalist moral theory, Care Ethics does not say that rational justification is a pre-requisite for moral justification. This means that questions of whether our reactive attitudes are rationally justified or not given whether they entail beliefs about a person being responsible or having free will drop out of the picture. So, although Care Ethics does give an account of fittingness, and this is connected to the morality of expressing the reactive attitudes, it bypasses the question of rational justification. By bypassing the question of rational justification, I will argue that it also bypasses assumptions about moral responsibility and free will. I will analyze the morality of expressing moral anger under the Care Ethical lens as a case study to illustrate this.

In the first section, I will discuss what I think Care Ethics would say about the morality of expressing moral anger, one of the most controversial of all of the reactive attitudes. I will argue that Care Ethics does ask us to be very cautious of moral anger, but that it is not always wrong to express it. In the next section, I will show that the Care Ethical explanation of all of this is Moral Responsibility Agnostic, because it is a non-

rationalist moral theory. Questions about whether anger involves any beliefs about free will or moral responsibility drop out in understanding its morality. Then, I will explain why Care Ethics says that fittingness is an important condition on the morality of expressing a reactive attitude, but why fittingness, for the Care Ethicist, is not the same thing as rationally justified. In the last section, I will argue that Care Ethics does still count understanding and forgiveness as morally important.

Care Ethics' account of the morality of Moral Anger:

It is useful to start by discussing what Care Ethics would say about the moral permissibility of expressing moral anger. I think this will illustrate my point that the morality of expressing the reactive attitudes are conceptually tied to the fittingness of the reactive attitudes, but also how Care Ethics can remain moral responsibility agnostic. I also think that what Care Ethics says about the morality of expressing moral anger is intuitively plausible. As such, it is a general advantage for Care Ethics that it so nicely explains this, one of the most controversial of reactive attitudes.

In particular, I will argue that Care Ethics treats anger, at least at the general level, in a way that is akin or similar to a moral dilemma, although I use this word in a precise way. What I mean is that Care Ethics might plausibly treat anger as something that always comes with a moral negative, or a moral downside or reason to be extremely cautious. But I also think that Care Ethics can still say that feeling and expressing moral anger is what one should do given certain complex and dilemma-like situations. As strange as it sounds, sometimes this negative emotion can come from a position of empathy and/or care. Care Ethical moral reasoning accounts for the interesting nuances

and complications of understanding the permissibility of moral anger. Care Ethics' explanation of all of this is free of assumptions about moral responsibility or desert. It can explain both why moral anger is sometimes permissible and why it always comes with a moral price to pay without needing to posit assumptions about moral responsibility in order to do either of these things.

I also think that Care Ethics will have moral reasons for limiting moral anger, or at least forgiving a person in time, in the vast majority of cases as well. Meaning that we do not have to rely on a Hard Determinist metaphysics or moral responsibility skeptical arguments to see why limited moral anger is morally good, and why forgiveness is also morally good.

Before I go into explaining how anger can be morally permissible under a Care Ethical perspective, let me mention why I don't think the Care Ethicist takes lightly the moral worries of anger. Care Ethics can acknowledge the moral downside to anger. This is because expressing anger causes people a lot of pain. Moreover, it seems that it can be very difficult or even impossible to empathize with a person we currently have a feeling of anger towards. And if we hang onto this anger, it may lead us to block a general feeling of empathy with this person moving forward. I think the Care Ethicist can say that one need not necessarily empathize with a person's malicious motivations. But I'm not sure fitting anger would excuse one from all empathic concern about any aspect of their life or selves. A limitation or blocking of empathy is a moral strike against something, according to Care Ethics. In this way, Care Ethics takes very seriously the negative aspects of anger.

It seems to me that those in anger oftentimes lack the kind of receptivity to another necessary for empathy. Conceptually this just makes sense. If anger is an intense phenomenological negative reaction directed towards another, then it may not leave room for the kind of openness to another's perspective and feelings. There seems to be something conceptually at odds here. In addition, it looks like some of the psychological evidence also points to the opposing nature between empathy and anger.⁹⁸

But what is interesting is that it does not rely on any assumptions about free will or whether it is rationally justified given any false beliefs in order to show why moral anger always comes with a moral downside. Rationality is not necessary for understanding morality for the Care Ethicist. Empathy and caring emotions or displaying a lack of these is what's of moral relevance. Whether the person who is the object of your moral anger is free and responsible or not, anger always comes at a moral price because it blocks empathy with somebody.

However, Care Ethics also acknowledges the complicated nature of morality, and the need to take the specifics of context into account in deciding the right action. In this way, I think that Care Ethics also has the potential to take very seriously the good role anger sometimes plays. This complexity leads me to say that Care Ethics treats anger as something akin to a moral dilemma. In general, it comes with a moral strike against it, but it does not mean that anger is not sometimes the lesser of two evils, so to speak.

⁹⁸ These studies indicate some kind of negative relationship between feeling anger and empathizing with a person at a given time: R. Fatfouta, T.M. Gerlach, M. Schröder-Abé, and A. Merkl "Narcissism and lack of interpersonal forgiveness: The mediating role of state anger, state rumination, and state empathy," *Personality and Individual Differences* 75 (2015): 36-40; and A. Day, P. Mohr, K. Howells, A. Gerace, and L. Lim, "The role of empathy in anger arousal in violent offenders and university students." *International journal of offender therapy and comparative criminology* 56(4) (2012): 599-613.

Sometimes expressing anger is the most empathically caring thing a person can do given a tough dilemma-like situation.

There are at least some kinds of cases where anger seems to result from an overall empathically caring attitude. In his psychological work on empathy, Martin Hoffman argues that there are two types of empathic anger. The first is simple and involves one person feeling angry and another person empathically picking up and taking on that anger. He argues that there is also a second, more complex, kind of empathic anger. In this case, a person feels pain, sadness, and hurt but does not necessarily feel anger. One picks up on the distress of the victim, and this leads directly to feelings of anger on their behalf. In the second case, the victim does not feel anger herself, but rather feels great distress and pain.⁹⁹ Although we may not be empathically picking up on another's anger here, we still feel this anger out of care for her welfare. So, it is possible for moral anger to come from empathically caring motivations.

Let me illustrate a case of empathic anger. Let's posit that your friend has just been raped, and that she feels a ton of anger at the one who raped her. Let's also posit that you are chatting with her about it, listening to her express her pain, outrage, and anger. Sharing in your friend's anger in this moment of venting shows a great deal of empathy with your friend here. If you really love and care for your friend, I think you might be hard pressed not to have this anger bubble up inside of you too. I think it is quite strange to say that we have a moral obligation to actively try to suppress this anger here.

Given the context of this situation, I think that our anger is perfectly permissible, if not morally good. This is not because it is practically or theoretically rational, and not solely because of the good consequences displaying this anger might have. (Although if

⁹⁹ Martin Hoffman, *Empathy and Moral Development* (Cambridge University Press, 2000).

one is caring, then one might care about the consequences.) It is not even that anger is permissible because it is inevitable or hard to overcome. Rather, it's permissible because it exhibits care and empathy with your friend. Its moral status is determined in terms of its display of empathically caring motivations not in terms of its rational justification.

Let me look at a model given for how we might overcome our feelings of anger here, in order to illustrate why we do not have an obligation to overcome such anger in this case. Shaun Nichols provides a model for how this might work in terms of narrow versus wide psychological responses.¹⁰⁰ The narrow profile of an emotion includes the local and immediate reaction. An immediate input that leads automatically to a certain feeling, like anger, and the immediate behavior inclinations this feeling tends to produce is all that the narrow emotional profile involves. He thinks that there may be little we can do to change this kind of "local" reaction, except perhaps by simply avoiding the stimulus that raises these feelings. In this case, that would mean that if we wanted to avoid anger that we ought to avoid the immediate stimulus, which in the case above means avoiding a situation where our friend is sharing and venting to us about this horrific event in her life. It seems clear that this is not the right or moral solution at all.

Although Derk Pereboom is known for being against the morality of anger, even he agrees that we don't have an obligation to rid ourselves of our immediate local reactions of anger. However, only, it seems, because of our inability to do this. I agree that there is no moral reason to get rid of this immediate local reaction of anger. However, the reason I am citing here for why we do not have an obligation to rid ourselves of the immediate reaction in the case above is not because it is impossible or

¹⁰⁰ Shaun Nichols, "After Incompatibilism: A Naturalistic Defense of The Reactive Attitudes," *Philosophical Perspectives* 21.1 (2007).

very difficult, but because it would, in this instance, be uncaring and lack empathy with your friend.

Nichols argues that there is a second way to overcome anger, which happens downstream of the emotion. He thinks that after our immediate local responses, we can expand our perspective to look at an emotion through a wider psychological profile. This is when we can use intellectual information to overcome such local emotional reactions. Nichols uses the example of seeing a harmless spider. In the narrow profile we might have an immediate fear reaction. However, we can then widen our view in a way that "can accommodate more intelligent responses."¹⁰¹ This wider context comes into play "downstream" of our narrow emotional response, and it allows us to re-contextualize our fear in terms of more information we have, such as the fact that this spider is not poisonous. This kind of downstream response can indeed help us overcome our initial fear reaction.

So, in the case above, the question would be whether it is permissible to have a narrow response of anger, but whether it is then morally necessary that you purposefully bring in more facts and information, like why the rapist did what he did, or how he grew up, or whether any of us really have free will, or whether the anger reaction is a rational reaction, in order to mitigate our initial anger response.

I think the answer to this is also no. In fact, I would argue that if one were thinking about the free will of the rapist, or the rationality of the emotion of anger (either your anger or your friend's anger), then this would be a case of having one thought too many. To focus on any of these facts in our wider psychological profile during you and your friend's conversation would lack empathy with your friend's emotional trauma.

¹⁰¹ Nichols 413.

Now, this does not mean that if the context changes, then this moral obligation might also change. Perhaps if we go to the rapists' trial later, it might be good to re-contextualize your anger. Or, perhaps, if your friend is being eaten up from anger, then it might be right to overcome your own anger and help her overcome her anger. But these are separate cases. In the context of you and your friend's conversation in that moment, I do not think this is necessary at all. In fact, perhaps it may even be morally worse to spend time overcoming these feelings of anger.

The Care Ethicist's argument comes from a completely different angle from the consequentialist, the rationalist, or the moral responsibility skeptic. The permissibility of anger is not being looked at from the perspective of whether it is rational (with or without assumptions about free will). Nor is it analyzing the good and bad consequences of the anger here. Nor is it looking at whether anger is just inevitable and impossible to overcome. What it is saying is that the sharing of anger in this case is morally permissible and good because of the empathy and care it shows in the context of this relational interaction. The Care Ethicist is coming at the permissibility of anger from a different angle, but an intuitive angle, I think.

There are two questions about the permissibility of moral anger, 1) is moral anger, in principle, always impermissible, and 2) in what contexts is anger morally permissible. Care Ethics says that the first question is no, anger is not always impermissible, but that it always comes with a moral price to pay, or at least, more mildly, we should always be cautious of it, and in most cases (at least in everyday mundane cases) we should work towards forgiveness and understanding.

Care Ethics understands morality in terms of caring and empathic motivations. As such, rational justification is not a necessary pre-requisite for moral justification. Interestingly, this means that the Care Ethicist's answer here will hold true whether it turns out that anger involves a false belief (about one's free will, responsibility or status as a deserving agent) or not. So, if it turns out that the belief that people *deserve* certain negative treatment based on being responsible for an action is always *false*, Care Ethics will still be able to hold that such an attitude can still be morally justified in some cases because of the kind of care and empathy that it displays in certain cases.

Yet, interestingly, it also holds that even if the belief that people *deserve* negative treatment because they are responsible for a certain action turns out to be *true*, Care Ethics also explains why moral anger always comes with a moral price to pay. Anger may block or at least make empathizing with the object of your anger more challenging. As such, even if you hold that people do have free will and can be deserving of anger, we still ought to be a lot more cautious about our feelings of anger than we currently are.

In answer to the second question, about when Moral Anger is morally justified, Care Ethics says that in each case we must look at whether anger is playing a partly empathically caring role or not, or if it is just playing a defensive and painful role in an interaction. Answering this question is not easy and will demand a lot of evaluation of the specifics of each case. I have discussed just one case here. The question of when we are morally justified in feeling and expressing anger in other more complex cases, is, granted, a difficult question that I have only partly answered.

I suspect that the Care Ethicist would say that in most of our everyday cases of anger that we should work hard to overcome or avoid it. It seems that it will only be in

cases of extreme moral wrongs like murder and rape that the downside to anger can be outweighed, or in examples where you are in a position where this anger could not cause anybody pain, which is rare.

I think Care Ethics gives a satisfying explanation of moral anger, partly just because it treats moral anger as the complex moral question that it is. Sometimes moral anger could be morally permissible, or even morally good in a way, and yet we can also acknowledge its precarious dilemma-like position. That is, even if expressing anger is still the best moral thing in a certain context, it always comes with moral price to pay for the emotion: a lack of empathy towards another. It acknowledges both the good and bad of moral anger, without needing to refer to its rational justification, nor the free will/moral responsibility debate at all.

The idea that moral anger should occupy the moral landscape of a dilemma-like situation does not seem out of place. Moral Dilemmas are usually those cases where there is are moral wrongs all around you, and where you need to then choose the lesser of two evils. In cases of moral anger, you are surrounded by a morally bad situation that has proceeded you, and you are trying to react to in the best way possible, given these very unfortunate and imperfect prior circumstances. It makes sense to me that these kinds of situations would often raise dilemma-like situations. (I don't call these actual dilemmas because I mean to include cases where there is a right answer, but it is right in the sense of being the lesser of two evils. There is still a moral reason against it, even if this moral reason is outweighed.) It is usually very unfortunate and imperfect circumstances, like standing beside a train that is about to kill people no matter in what direction it goes in, that creates moral dilemmas.

With No Responsibility:

What is interesting is that in this Care Ethical understanding of the permissibility of the reactive attitudes, questions about free will and moral responsibility again drop out, because rationality is no longer a necessary condition for morally permissibility. In fact, questions about the rationality of moral anger drop out entirely, and many of the arguments about the permissibility of anger focus on its rationality.

In her recent book, "Overcoming Anger," Martha Nussbaum argues that anger is always morally impermissible, because it is almost always irrational. She thinks that anger is irrational in the vast majority of cases, and, in the small amount of cases where it is not irrational, then it is morally problematic. She thinks that there is a necessary retributivist component in anger.

According to Nussbaum, anger involves the belief that somebody has wronged us, and it involves the desire for retribution or payback. The feeling for payback may be subtle, she says, involving simply a wish that the person's life go worse in the future, but she thinks a wish for payback is necessarily involved in anger. This desire for payback is almost always irrational because it involves a false belief that this payback will right the past wrong. Since the action happened in the past, there is no future action that can fix this. As such, anger is irrational. There is one type of case where anger is not irrational. These are cases where a person wronged you in such a way that it negatively affected your social standing. In these cases, causing somebody harm might lower their social standing and so raise yours by comparison. In these cases, our anger may not be based on a false belief, but it is still morally dubious, says Nussbaum. The moral problem in

these cases is that the person focuses on her social status at the expense of focusing on other worthy moral goods.¹⁰²

Free Will Skeptic, Derk Pereboom, also argues against the general permissibility of moral anger for reasons of irrationality. Pereboom argues "an expression of resentment or indignation will involve doxastic irrationality when it is accompanied by the belief- as in my view it always is- that its target deserved in the basic sense to be its recipient."¹⁰³ That is, Pereboom also worries that anger is based on a false belief, but this time a false belief that involves desert and moral responsibility. He thinks that anger involves the belief that one deserves to be held responsible by way of this negative reaction. Since Free Will Skeptics argue that we have no good reason to believe that anybody is responsible or deserving at all, he argues that anger rests on a false belief. As such, anger is always irrational.

Care Ethics has an interesting advantage here, because the justification of right action is not taken from the rationalist perspective. As such, I think it can bypass questions about whether it is rationally justified under an absence of free will and moral responsibility. Instead, it looks at this highly negative emotion through the lens of empathically caring relationships.

Let me put this point another way. I think that responsibility theorists sometimes use the idea of "justified" or "should" ambiguously when analyzing the reactive attitudes. When talking about the reactive attitudes, "justified" or "should" sometimes plays the role of meaning *rationally* justified, other times it seems to mean *morally* justified. Very often, I think that the sense of justified means both of these within the same argument.

¹⁰² Martha Nussbaum, *Anger and Forgiveness: Resentment, Generosity, Justice* (Oxford University Press, 2018).

¹⁰³ Pereboom *Free Will, Agency, and Meaning in Life* 180.

However, if the term justified sometimes means more than one sense of justified, then we are already assuming that being rationally justified is a necessary condition of being morally justified, and to make that assumption is to already take a certain position in the moral theory debate. It will depend on which ethical theory we are discussing in order to decide whether these emotions being rationally justified is a necessary condition to them being morally justified. For the Care Ethicist, rational justification is not a necessary condition for moral justification, and this is what gives it the advantage in the reactive attitude debate.

This means that questions about beliefs in free will or moral responsibility drop out of the equation. I am also not providing a theory of moral responsibility or saying that the reactive attitudes are all acceptable because of the role they play in our lives. Rather I'm saying that we should actively scrutinize them through a moral lens on a case-by-case basis. So, the Care Ethical Theory differs from Strawson's theory. Yet, it has some striking similarities, as it also says that questions about responsibility may not be pertinent to understanding the moral permissibility of expressing the reactive attitudes, and these questions drop out precisely because of the role these attitudes play in our interpersonal relationships.

Fittingness and Morality:

One might worry that this goes too far. If rationality is not required for morality, then it seems that the fittingness of a reactive attitude has nothing to do with the morality of expressing the reactive attitudes. This might be worrisome, and start to sound like a consequentialist view, which might say we should express whichever emotions have the

best results, even when they aren't genuine emotions. Perhaps the Care Ethicist must say that we should fabricate our emotions such that they just show the most empathy and care. I don't think that Care Ethics would call for a kind of fabrication of our reactive attitudes at all. Although Care Ethics does not say anything about rationally justified beliefs as necessary for moral permissibility, I do think Care Ethics says there should be a close connection between the emotion being fitting (according to Care Ethical standards) and it being morally permissible. This is for several reasons.

First of all, Care Ethics says that the moral good is a matter of displaying genuine caring emotions. It isn't plausible to say that Care Ethics would call for rampant fabrication of emotions and faking one's emotions all of the time, or that our expression of certain attitudes and feelings should be at odds with or a disingenuous display of our inner attitudes. And if one wanted to fake one's reactive attitudes, it seems that this would involve some strongly disingenuous emotional connection, which, unless there is some very extreme and unusual context, a Care Ethicist would find this morally problematic. It's possible that Care Ethics might account for the idea that fittingness and morality might come apart in very unusual cases, there is still a *prima facie* moral reason to try to express genuine reactive attitudes.

Moreover, if one is empathizing appropriately, then one should feel the right kinds of reactive attitudes. This is because both the reactive attitudes and the moral conditions rely on the same kind of capacity: empathy. In the chapter on the fittingness of the reactive attitudes, I said that moral approval and disapproval involve second-order empathy. This means that the reactive attitudes (which all build on moral approval and disapproval in some way) involve exercising of the same capacity as our moral capacity.

It makes sense, from the Care Ethical perspective that good people, who have fully developed their empathic capacity, will often feel fitting reactive attitudes, as it involves use of the same capacity.¹⁰⁴

Third, most people feel a kind of painful feeling of unfairness at being the object of disapproval for something you haven't done, and one must empathize with this kind of pain. This gives us at least a *prima facie* moral reason to try to make sure the object of our reactive attitudes is fitting (for Care Ethics this means that it is directed towards the person who acted wrongly for acting wrongly) in the vast majority of cases.

So, fittingness is important for it to be morally permissible to express a reactive attitude. But fittingness for the Care Ethicist is not the same as doxastic rationality. When most people discuss the fittingness of the emotions, they are usually discussing whether a rational agent would feel these emotions, or whether these emotions involve any false beliefs on the part of the agent. However, my view of the fittingness conditions of these reactive attitudes has more to do with our successful use of second-order empathy. This means that correctly and fittingly having a reactive attitude has to do with the full exercise of this emotional capacity, not the use of our rational faculty. We do not need to discuss which beliefs these reactive attitudes entail and whether these beliefs are rationally justified or not.

One might argue that a Care Ethicist might not always say that fittingness is necessary for the morality of expressing a reactive attitude. This might be true, and I don't want to commit myself on whether this is a necessary connection or not. However,

¹⁰⁴ The close connection between fittingness and morality might be an advantage over purely consequentialist accounts of the morality of the reactive attitudes. Consequentialists may be harder pressed to explain why fittingness matters to the morality.

I do want to say that in the vast majority of cases it is important that a reactive attitude be fitting. There might be cases where fittingness is overruled by other factors.

For instance, take a very silly example from a popular TV show *How I Met Your Mother*. In the show, they discuss the fact that good friends take each other's sides no matter what. For instance, Ted says that he has blindly hated Rene Zellweger for eight years, just because Lilly was mad at her. Lilly responds that she will forgive her once she gets her money back for "You, Me, and Dupree." "That was Kate Hudson!" Says Ted. Here is an example where even under Care Ethical terms, Ted had an unfitting reactive attitude towards Rene Zellweger. Although silly and minor, it does plausibly show some kind of cute and heartwarming solidarity with his friend. This doesn't seem wrong, even though it is unfitting. Although perhaps one might reply that there is a moral problem with this case since there was a lack of empathy with Rene Zellweger and how she might feel being falsely accused of wasting one's time with a bad movie. A Care Ethicist might say that this is such a small lack of empathy that it is inconsequential, while it displayed such great empathy and care for his friend, that the Care Ethicist would say that expressing this anger, although unfitting, is morally permissible.

I don't want to take a strong stand on this point. It is not really important to my overall argument. However, I'm open to the idea that some odd cases may call for fittingness and morality to come apart according to Care Ethics. But what is most important is that I think we want to say that these are extremely rare cases, and only applicable in a really narrow set of circumstances. It makes sense that they might come apart. There might be some kind of extreme or unusual cases where disapproval isn't fitting, but where it doesn't necessarily seem morally wrong to express this disapproval.

However, it would be odd if the two were completely separate questions with no bearing on one another whatsoever. Care Ethics accounts for the fact that the unfittingness of a reactive attitude is almost always a moral mark against expressing it.

Objection and Response:

One might object that there is something odd about the use of empathy in both my understanding of the morality of the reactive attitudes, and in understanding the fittingness of the reactive attitudes. I have argued that a morally good person is likely to feel fitting emotions because they both involve use of the same capacity. This starts to sound like some kind of worrisome circle. Is approval and disapproval direct access to the wrong-making feature of an action, or are you morally required to have an emotional reaction to the right or wrong-making feature of an action?

What is important to note, in answering this objection, is that moral approval and disapproval are understood in terms of second-order empathy, while morality is understood in terms of first-order empathy. This is really only problematic if we were to say that second-order empathy is morally required. But I see no reason that Care Ethics would need to say this. In fact, it is interesting that, although we might think of genuine regretful apology as sometimes obligatory, it matches our intuitions that moral approval and disapproval are not really a matter of moral obligation in the same way.

Care Ethics would agree that moral approval and disapproval are not necessarily required, as second order empathy is not morally required as such. Care Ethics only says that an action is right if it does not display a lack of first-order empathic care. It does not say that displaying a lack of second-order empathy is also problematic. That is to say,

Care Ethics only says that first-order empathy is morally required. It does not say that second-order empathy is morally required too. Rather second-order empathy is how we understand moral approval and disapproval. We empathize with the empathy of another and that causes in us a feeling of warmth, which, in turn, fixes the reference of our moral judgements.

Although a morally good person will likely have feelings of warmth and chill, because it involves the same capacity, she isn't under moral obligation to have second-order empathy for its own sake. This matches our intuitions about the morality of moral approval and disapproval. We usually think of these kinds of reactions as understandable and permissible, but we don't really think they are morally obligatory. We don't criticize people if they fail to express moral disapproval. But we do see it as a sign that somebody is a morally conscious and a good person. This is just what Care Ethics would say, since second-order empathy is not morally required, only first-order empathy. But they do involve exercise of the same capacity, so they are likely to occur together. So, when somebody fails to express disapproval towards something, you might wonder about their moral character, but you do not think that this is a wrong action. This is an important distinction.

However, although you are not required to express moral approval and disapproval as such, there may be other moral factors about the context might come into play that do make it obligatory. For instance, if you are a parent and you see your child hit her younger sibling, perhaps there are other reasons it may be morally required to express disapproval, but the obligation here does not come because second-order empathy is required as such. Instead, it comes from the fact that showing disapproval

towards your eldest child shows that you recognize your younger child's pain and that you are trying to stop this pain. You may be in the best position to do so. In addition, it may be required because, as a parent, you should also help your eldest become a good moral agent and you want her to recognize that what she did was wrong. Your obligation comes from your special relationships with your children, and not because second-order empathy is required as such.

On the other hand, let's say that you see a bar fight occur in front of you where a person punches another for no good reason. These are two random strangers you have never met before. In this case, other people have stepped in to help the one who was punched, making sure he is not hurt. So, there is nothing for you to do in order to help the victim. That is to say, you aren't leaving a person hurt and helpless, as this would display a lack of empathy. But this is not one of those cases. In this case, I would think that you have no more moral obligations according to the Care Ethicist. You have no moral obligation to express moral disapproval of the puncher. Of course, a good person might likely have this disapproval, as a good person is an empathic person, and disapproval comes from use of this same capacity. However, this does not mean it's a moral obligation to have this or to express it. Second-order empathy is just not something we have a moral obligation to display.

Understanding and Forgiveness as Morally Required

Let me end this chapter on anger by saying a few words about understanding and forgiveness. Although I have provided a couple of cases where it seems that Care Ethics will say that expressing anger is permissible or even what one should do, given a difficult

dilemma-like situation. I also want to explain why I suspect that the Care Ethicist only counts moral anger as permissible in a very narrow range of cases, and why it always comes with some negative aspects to it, which means we should be morally cautious. I think that anger will only be the best solution to a difficult situation when the moral wrong in question is wrong to a strong degree. In most everyday instances of small wrongs, the moral downside to anger would outweigh the care and empathy that expressing such anger could possibly show. I next want to argue that Care Ethics is also going to say that, even if it is sometimes right to express moral indignation on behalf of another, that we should be spending a lot more time understanding, trying to forgive, and a lot less time dwelling on and harvesting this anger.

Hard Determinist Bruce Waller argues that a belief in Hard Determinism accomplishes morally good goals because it promotes understanding over blame and anger in the majority of cases. Waller argues that a world in which everybody accepted that moral responsibility is unjustified may actually be a better world in many ways.¹⁰⁵ Specifically, he thinks this is the case because it shifts our focus away from blame and moral anger,¹⁰⁶ and shifts our focus towards understanding, and he thinks, overall, this would have better consequences.

Waller argues that once we accept that attributions of moral responsibility are always unjustified that we will be forced to shift our focus away from blaming moral transgressors and criminals, and he thinks that this will force us to instead ask *why* an individual acted wrongly. Understanding is the price we pay for blame, he says. Once we realize we cannot focus on blaming a particular individual that we will have to ask

¹⁰⁵ Bruce Waller, *Against Moral Responsibility* (Cambridge, MA: MIT, 2011).

¹⁰⁶ Waller discusses this in terms of blame, but I think everything he says applies to anger as well.

questions about the system or other historical factors that led a person to behave this way. This will end up giving us the tools to actually change the bad behavior or at least change factors in the world so as to prevent others from behaving wrongly in the same way. This understanding will give us the information about societal systems and factors that we may actually be able to change so that we can discourage criminals from becoming criminals in the first place. In other words, he gives a consequentialist account of why it may be good to stop blaming individuals, and instead start understanding why they act the way they do.¹⁰⁷ He thinks we need this theoretical understanding that moral responsibility is unjustified in order to help us shift in this focus from blame to understanding. I agree that this does seem to be a benefit to the world in which people accepted Hard Determinism is true.

I think that the Care Ethical framework encourages the same kind of understanding over blame and anger in the vast majority of everyday cases, regardless of any theoretical commitment in the free will or the moral responsibility debate.

First of all, because Care Ethics defines right action in terms of the right kind of motivations, it encourages people judging actions to look at the *why* just in order to judge whether the action was right or wrong. Since Care Ethics understands right and wrong action in terms of the motivations of an agent, the judgment of actions involves trying to understand a person's motivations for the action. So, unlike other theories, Care Ethics already starts from a perspective of understanding a moral transgressor because this is part of determining the rightness or wrongness of the act. This is opposed to other theories, which first judge the action as right or wrong without reference to the agent's motivations, and then turn to determining the blame-worthiness of the individual. For

¹⁰⁷ Waller *Against Moral Responsibility*.

these theories, understanding “the why” would be an extra optional step. For Care Ethics it is not an extra or optional step, it is fundamental and the first step to moral judgment.

Second, Care Ethics says empathic care is a moral good. As such, as long as it does not display a lack of empathy to somebody else, then it is morally good to try to expand your empathy and empathize with and understand moral transgressors as well. There is a lot more that needs to be said about this, as Care Ethics is sensitive to the specifics of the situation. In some cases, if you are talking about your sister’s unremorseful murderer, for instance, it may not be necessary to spend this time trying to forgive. However, I do want to note that, in many situations, forgiveness and understanding would be a moral good for the Care Ethicist.

One might argue that spending time trying to forgive your sister’s murderer might not even be good, as this would display a lack of empathic care for your sister. And perhaps this is right. At least if one means complete and easy forgiveness, with no struggle. However, if you can expand your empathy in a way that gets over a kind of deep anger (the kind that blocks all empathy with this individual) and replace it with chill, shock and pain, then this might be a way of expanding empathy that does not show a lack of empathy for your sister. There’s more to say about these complicated cases, but I don’t have time to provide a full view of this here, it would have to be in another chapter.

In addition, the Care Ethicist has the framework to capture a lot about understanding that Waller wants to capture. If you are a lawmaker and you visit a correctional institution, then Care Ethics might ask you to empathize with and understand what led these criminals to such a life rather than spending time in anger. Certainly,

empathizing is morally important for the Care Ethicist and empathy does lead to the kind of understanding and forgiveness in many situations, which Waller says would be important.

Notice that nothing I have said denies or even takes a stand on the theoretical commitment to free will or moral responsibility, even when it comes to the importance of forgiveness and understanding. Care Ethics provides an explanation for one morally good reason for why we should overcome anger and focus on understanding and forgiveness in the majority of cases. This explanation is prior to and takes no stand about free will and moral responsibility, or even a lack of it.

Conclusion

In the last two chapters, I have argued that Care Ethics is in a particularly good position to explain the permissibility of the reactive attitudes. P.F. Strawson argued that our reactive attitudes were necessary to our personal relationships, and so we should not and could not scrutinize these reactive attitudes at all. Care Ethics says something similar, and yet strikingly different. It says that empathically caring relations between people is an important moral good, and that the reactive attitudes are linked to this good. However, it can still say that we should actively scrutinize these reactive attitudes in terms of this moral good. By scrutinizing the reactive attitudes in this way, I think it provides a new and interesting account of the permissibility of the reactive attitudes that is quite intuitive. And since rational justification is not a prerequisite for moral justification, I think that it can explain the morality of these reactive attitudes while remaining agnostic about moral responsibility.

Chapter 8

Punishment with No Responsibility

In this last Chapter, I want to look at how some of the arguments that I have discussed here might be further applied in future projects and arguments. In particular, what I have said about the Care Ethical justification of the reactive attitudes without responsibility could be interestingly applied to the justification of punishment. In fact, this may even give Care Ethics the theoretical machinery to provide a partially backward-looking justification of punishment that does not make assumptions about free will or moral responsibility. In order to illustrate how this is the case, I combine what I have said about the fittingness and morality conditions of the reactive attitudes with Joel Feinburg's account of the expressive function of punishment (and a few assumptions about what Care Ethics might say about a Care Ethical justification of the State's authority to punish). What I say here is really speculations for how the Care Ethicist might justify punishment without responsibility, rather than a full-fledged theory of this justification, which I would have to leave for a future project.

In the first section, I will discuss what the Care Ethicist might say about whether the state is justified in setting up a punishment system at all. In the second section, I will explain how the Care Ethicist might be able to explain a backward-looking justification of punishment without making assumptions about free will by teaming up with Feinburg's theory of the expressive function of punishment. Then, I will discuss a few other broad justifications of punishment a Care Ethicist might give. Lastly, I will argue that, on top of providing a partially backward-looking justification of punishment, the

Care Ethicist can also account for much of what the Hard Determinists say about punishment without needing to take on their contentious claim about free will.

Preliminaries:

First, let me explain that all that I have to say about punishment here comes with one large caveat or if-then statement. All I want to argue here is that if it turns out the Care Ethicist can provide an account of why the state is justified or has the authority to punish people at all, then it can say some interesting things about it. In particular, it could provide a backwards-looking justification without needing to make assumptions about free will. There is a lot left for the Care Ethicist to fill in and explain when it comes to justifications of the state and about political theory in general, and why the state has the authority to punish its citizens. It is not my project to look at these fundamental questions in political philosophy here, although I may like to do this in a further project. Rather, I want to argue that if the Care Ethicist can answer these primary questions, it may also have the theoretical machinery to give a backwards-looking justification for punishment without needing to invoke or rely on the assumption of free will. And this is quite an achievement, as normally it is thought that assumptions about desert, free will or moral responsibility must be invoked to explain backwards-looking justifications for punishment.

I do think that the Care Ethicist has many avenues to give such an account of the justification of punishment in the state in general. For instance, Nel Noddings discusses punishment in her book, *Starting at Home: Caring and Social Policy*. In this book, she

argues that the unique feature of Care Ethics is that it advocates that, in order to understand justice at the State Level, we should spend more time understanding justice within a home environment. In other words, she asks "whether the attitudes and responses characteristic in the best homes can somehow be extended into public policy making."¹⁰⁸ She does not go into detail about political theories or justifications of the state, but if we take her idea and apply it to punishment, I think it is not far-fetched to think that the Care Ethicist can say something here.

When we think of everyday examples of punishment, such as why we punish children, we do not think that punishment is incompatible with empathic care. In fact, we punish our children when they act wrongly *because* we care for them, and because we think it promotes trust, peace, and helps maintain caring relationships within the family and outside. Moreover, we think it is the job of parents, the people with the task of taking care of the cohesive family whole, to decide these punishments. If you do not step in to explain why hitting one's sister is wrong, and then punish the behavior when it happens again and again, eventually it may lead to unstable and distrustful relationships between the siblings. Caring does not always entail that the punishment is easy or pleasant. But we still think that in some cases it is justified in a caring home environment, as it is overall best for the child and the health of the family of which they are a part.

Of course, we only think punishment is justified in the home if it is done in the context of caring relationships. Our system of punishment is set up now, seems a long way away from being comparable to punishment in the home, and this might be a problem with it as it is set up now. However, this is not a problem with the justification

¹⁰⁸ Nel Noddings, *Starting at Home: Caring and Social Policy* (University of California Press, 2002) 6.

of having a punishment system at all. So, in discussing punishment, I am not trying to defend the punishment system as it is set up now. The question now is whether punishment can be justified by Care Ethics at all. I think that Nel Noddings shows that the Care Ethicist is not without avenues of answering this, even if more should be said. If punishment can still be justified within the home, the Care Ethicist may have something to say about its justification at the level of the state as well.

One might argue that parents punish their children for doing things like throwing rocks on the playground or taking her sister's toys, and this really is just not an applicable analogy, and not enough to explain the general justification for punishment of citizens by the state. So, let me provide some more evidence to think there is an avenue for the Care Ethicists by first providing a case from a popular TV show, which I think serves as a nice kind of state of nature thought experiment, and really thought experiments about the state of nature are a classic way of justifying the authority of the state. Then, I will draw a few general conclusions about what the Care Ethicist might say at a general level about the justification of the state's authority to punish.

I will use an example from *The Walking Dead*, a Television show on AMC, set in a post-apocalyptic world, and I think it might plausibly be seen as a thought experiment involving a reversion back to a state of nature. In the show, every family (as children still must be protected in this state of nature, which philosophers often forget when discussing political theory)¹⁰⁹ must fend for themselves. Slowly in the show, tribes begin to form. Interestingly, the reason that at least some of these groups form, or at least stay together,

¹⁰⁹ Feminists and Care Ethicists do not forget this though. For instance, in Virginia Held, *The Ethics of Care: Personal, Political, and Global* (Oxford University Press, 2007), 10. she says "Moralties built on an image of the independent, autonomous, rational individual largely overlook the reality of human dependence and the morality for which it calls."

is not out of simply a wish to protect themselves, as they are less vulnerable in numbers, but out of a wish to protect one another because they have grown to *care* for one another. In fact, they often choose to stay as a single tribe, even when it means having to move more slowly, putting themselves in danger. It seems that care is involved in the formation of these societies. Out of a need for cohesion in decision-making and for reasons of protection and security, they begin to form governments including kingships, tyrannies, and direct democracies.

This thought experiment, if we think it's plausible, really provides a straightforward kind of defense of what Care Ethicists have already said about the Care Ethical justification of the authority of the state in general. For instance, Virginia Held applies an Ethics of Care to the realm of state justice. She argues that Care must be seen as the primary moral element, even in the state. She notes that without care we can't have persons at all, as infants are not self-sufficient and must have their needs provided for at the beginning of their lives. So, we can't even discuss justice without assuming care is already happening. Moreover, she discusses the idea that some kind of basic "social cohesion or trust or civic friendship" may be necessary for even forming a kind of social contract needed to have a society. She says if "contractual relations require some deeper level of social cohesion or trust or concern, the ethics of care may be an insight" when it comes to questions of justice.¹¹⁰ Some kind of civic "friendship" feeling may be necessary for the creation of a national identity at all.

As the show progresses, threats start to come both from outside and from within their own community. When a man beats his wife, a neighbor retaliates, taking vigilante

¹¹⁰ Held 87.

justice. This increases anger and creates divisions within the community, until the leader of the community must finally shoot and kill the man who was beating his wife in order to restore cohesion, trust, and caring relationships among the group by removing the threat. These kinds of problems keep occurring, as somebody either within the community or from outside the community poses a threat to security and stability, and the leader begins to face a slippery slope of killing in order to keep security, peace, stability, trust, and cohesion among the group.

One citizen in the community, Morgan, who is committed to peace and non-violence, is disgusted by the kinds of things the leader must do to accomplish the kind of peace, safety, and trust. He attempts to convince the leader and others to change their ways. But the leader responds by stating that there are things he must do in order to keep the society functioning as a whole. It may be harsh, but it is his only choice. Then there is a lovely scene where Morgan puts all of his frustration with the leadership into a construction project. When he finishes, he reveals to the leader that he has built a secure prison cell, from which a person could not escape. The leader of the community asks why he has done this, and Morgan replies that next time they will have more options and more time to make a decision about what to do when somebody threatens the safety, stability, or peaceful relationships within the community. The creation of this prison cell represents an advance in civilization, and a way of protecting the community without having to act violently towards the offender. Morgan's creation of this prison was made not only out of concern for protecting the well-being of the community, but out of empathy and concern for the well-being of the person who was threatening the

community as well. He wanted to allow them to neutralize a threat to the community in a way that didn't involve ending the person's life.

So, let me try to draw a few broader conclusions from this about what the Care Ethicist might say about the justification of state's authority to punish at all. Given human imperfection, it seems to me that if state authority is justified at all, then the need for punishment is inevitable if a state wants to keep society together as a trusting cohesive and safe whole. It also seems to me that some kind of official sanctions and policies are better not only for the community, but, if it stops vigilante justice and killing for the sake of safety, then it might be better for wrong-doers too. In other words, punishment can be seen as both caring and as necessary for cultivating a caring society. It allows people to know they are protected, they can trust one another, and they know something will be done if they are in danger from another citizen. When something goes wrong, they do not need to take matters into their own hands (in fact they themselves may be punished if they do so, and this deters them from doing this), and taking matters into their own hands notoriously results in over-reactions and making matters worse. Moreover, having an official and unified method for punishment, and an option for detaining and quarantining a threat rather than killing this threat, ended up being better for and therefore more caring towards the wrong-doer as well.

So, it does not seem like a stretch for me to make the assumption, for the sake of this dissertation, that the Care Ethicist can say something about the justification of the state, and also it may provide a justification for why the state has the authority to punish at all. Obviously, we need more here, but this would have to be done within the realm of a general political theory based on Care Ethics, and this is beyond the scope of my

project here. But it is not so far-fetched and it is worth making this starting assumption in order to see my argument for why I think that the Care Ethicist can provide a partially backwards-looking justification of punishment without making assumptions about free will, moral responsibility, or even claims of desert.

A Backwards-Looking Justification for Punishment:

Let me start by explaining what kinds of justification for punishment we commonly assume are possible without making any assumptions that a person has free will. Broadly speaking, three major theoretical frameworks for the justification of punishment currently exist: a desert-based justification and a consequentialist-based justification, and a hybrid account that argues that punishment is justified for some combination of forward-looking consequentialist justifications and some backward-looking desert-based reasons. Those who deny free will and moral responsibility are thought to be limited to a consequentialist-based justification of punishment. One can still justify punishment, even if people are not responsible for their actions, but only in terms of punishment having good consequences. The justification is purely in terms of forward-looking reasons.

There are at least three consequentialist justifications of punishment. First, punishment is justified if it is rehabilitative, that is, if it has the consequences of making the person being punished into a better person. It can also be justified if it has a deterrent effect, dissuading other criminals from committing similar crimes. And, lastly, it can be justified because it quarantines and restrains a criminal and keeps them from committing

more crimes. That is to say, just like it may be necessary to quarantine a sick individual from the rest of the public, so that the illness does not spread, it may be equally acceptable to quarantine a person who is an ongoing threat to the public. Consequentialists say that punishment is justified for forward-looking reasons. So, the consequentialist framework is associated with punishment as rehabilitative, deterrent, and as a restraint as these are all forward-looking reasons as to why punishment can have good consequences. Moral Responsibility Skeptics usually point out that these justifications for punishment are free from making any assumptions about desert, moral responsibility, or free will, and so they can still take on these justifications for punishment.

However, they also argue that desert-based justifications for punishment may indeed be unfair if it turns out that we are not morally responsible, and claims about desert are no longer justified. According to a desert-based justification of punishment, we should punish criminals because a criminal deserves it for acting wrongly. This kind of justificatory framework is associated with the retributive function of punishment, since it says punishment is justified because a criminal deserves some kind of pain and suffering as a response and perhaps in equal measure to the pain and suffering that he has caused. In other words, a deontological/desert-based framework argues that punishment is justified for backwards-looking and retributive reasons. Those that deny the existence of free will, argue that this justification only makes sense if we assume that we have free will, and/or are morally responsible.

If we realize we do not have free will, we are going to have to fundamentally alter our punishment system. Namely those kinds of punishments meant to deprive or hurt a

criminal because they deserve this retribution, will need to be changed. The criminal justice system will focus on kindness, understanding, and the rehabilitation of criminals rather than painful retribution.

I want to suggest that Care Ethics might be able to provide a partially forward but also a partially backward-looking justification of punishment. What is interesting is that Care Ethics can provide this backward-looking element in the justification of punishment in a way that does not rely on making assumptions about free will or moral responsibility. This would be significant, as usually the thought is that a backward-looking justification of punishment must involve some kinds of assumptions about desert, free will, and/or moral responsibility.

Although partially backward-looking, I will also argue, in the last section, that Care Ethics would advocate for similar changes in our criminal justice system, namely changes that involve kindness, compassion and understanding over retribution and causing pain to criminals. But the Care Ethicist explains why this is the case without needing to make contentious assumptions about a lack of free will and moral responsibility either. The reason will have to do with the kind of justification for punishment a Care Ethicist can give. If Care Ethics justifies punishment at all through a kind of Nodding's approach, which says that punishment can be justified in the state in the same way that punishment can be justified in the home, then I think even punishment at the level of the state will have to involve more care and empathy even for the criminal. It doesn't mean that punishment will have to be easy, pleasant or not really punishment at all. Punishment can be all of these things for a child, and yet still be done in a way that does not lack empathy and care. I will come back to this second point in the last section.

For now, let me explain how Care Ethics can justify punishment for backwards-looking reasons, but without relying on assumptions about desert, free will or responsibility of the individual.

We can see how Care Ethics can do this if we combine what I have said about the moral permissibility and fittingness of the reactive attitudes (without assumptions about free will) with Joel Feinburg's theory of the expressive function of punishment. Feinburg argues that what distinguishes mere penalties from punishment is that punishment has an expressive function, which is absent from penalties. One might argue that the distinguishing feature between punishment and penalties is a difference in harshness. However, as Feinburg points out, penalties can sometimes be much harsher than a punishment. For example, I would much prefer a night in jail over a million-dollar fine. Yet it is clear that the former is a punishment, while the latter, we think, is a penalty.

Feinburg says that instead the true distinguishing feature between punishment and penalty is "a certain expressive function: punishment is a conventional device for the expression of attitudes of resentment and indignation, and of judgments of disapproval and reprobation, either on the part of the punishing authority himself or of those 'in whose name' the punishment is inflicted. Punishment, in short, has a symbolic significance largely missing from other kinds of penalties."¹¹¹ This nicely explains why we think penalties make sense when a person breaks a non-moral law, like not fully stopping at a stop-sign or going a few miles over the speed limit, whereas punishment makes sense when a person breaks a moral law, doing something we morally disapprove of, like stealing, robbing, raping or murdering.

¹¹¹ Joel Feinburg, "The Expressive Function of Punishment," *The Monist* 49.3 (1965): 400.

I would argue that if punishment can be justified partly as an expression of these reactive attitudes, then this would be a kind of backwards-looking justification, since the reactive attitudes are fittingly backwards-looking.

I think that Care Ethics might be particularly able to explain why the expression of disapproval might be a morally good justification for punishment. This is because Care Ethics can explain why it is morally right for the state to express this disapproval. Expressing disapproval, I think, displays empathy and care with the pain of the victims and their families. Intuitively, we think this is the case.

For instance, take the case of Anders Breivik, who committed a mass murder in Norway killing at least 85 (mostly children) at a youth camp. Some even reported hearing him laughing as he committed this horrific crime. To say that the punishment of this mass murderer of children is not dependent upon backwards-looking reasons at all seems problematic. Is his punishment really justified merely because it will prevent future crimes? I think it is also justified because murdering all of those children was horrible and, to ignore what Breivik did, displays a lack empathic care for all of those kids and their relatives. At least the state should express that this was wrong and that the state disapproves of Breivik for this action. So, Care Ethics can justify the importance of expressing disapproval out of care for the victims and their families. Caring for victims and their families is forward-looking, but disapproval is also aimed in a backwards-looking way, and as I've argued it is fittingly directed at the person who acted wrongly.

A Care Ethical justification of punishment is superior to a purely forward-looking justification of punishment because it can account for a backwards-looking element in its justification. In fact, in Norway, where the justice system does focus on rehabilitation,

this case sparked a national debate as to whether sometimes they should punish as a retributive act, or to put it in milder terms, for backwards-looking reasons as well. So, the fact that Care Ethics can justify punishment for backwards-looking reasons is an advantage for Care Ethics.

Alternatively, look at the case that has been dubbed the Stanford Rape Case. Here is a report of the case:

On January 18, 2015, at about 1 a.m., two male Stanford graduate students were riding their bikes through campus when they spotted a man on top of a woman near a dumpster. The woman did not appear to be moving. The students approached the man, who fled, leaving the woman, unconscious and partially naked, on the ground. One of the students chased him and held him down while the police was called. The man was identified as Brock Turner.¹¹²

The case sparked national outrage when, although Turner faced up to 14 years of prison time, the judge in the case ordered “six months in county jail and three years of probation.” The judge ordered this reduced sentence, “saying a harsher sentence would have a “severe impact” on Turner, a star swimmer who could have made it to the Olympics.”

Sure, the judge seems to have shown empathy for Turner. But didn't it come at a lack of empathy for the victim of this attack? In fact, many thought this sentence displayed a lack of empathic care for the victims of sexual assault in general. I think many took it as a symbol that this judge empathized with a man missing out on a career opportunity at the expense of empathizing with how it must feel to be a victim of rape. It feels as though the judge has failed to express adequate disapproval for the disgusting wrong that Turner committed here, and, in doing so, showed a lack of empathy for the

¹¹² Marina Koren, “Telling the Story of the Stanford Rape Case” *The Atlantic* 9, <www.theatlantic.com/news/archive>, 2016.

victim of rape. Even those who might normally advocate for changing the criminal justice system to not involve such harsh conditions couldn't help but feel that this sentence was morally unjust, because it displayed a gross lack of empathy or care for the victim of this crime. There is more to be said about the details here, but it does not seem so far-fetched to think that Care Ethics might be particularly suited for explaining why punishment is justified as an expression of disapproval because this displays empathy and care for the victims of heinous crimes.

One might ask whether this really shows that the state is justified in punishment. In a previous chapter, I argued that moral approval and disapproval was not morally obligatory, since second-order empathy is not obligatory as such. However, I also argued that it might be obligatory in some cases. It is telling that the kind of case that immediately came to mind, in which expressing disapproval might be morally obligatory, was a case of parental punishment or scolding. Especially the cases where one sibling hurts another sibling. If a parent ignores one sibling causing another pain right in front of them, and refused to express disapproval, then it might display a lack of empathy to the child who has been hurt.

If Noddings metaphor of just punishment in the family works and can be applied to the state in a similar way, then it seems that this disapproval would best come from some kind of source with the authority and purpose of creating a peaceful and caring relationship among its people. If anybody has special permission or even an obligation to express reactive attitudes it would be parents within a family, because they have the special job of creating and maintaining a cohesive, trustful, and caring whole that is the good family. The state might have the same special permission, or obligation to express

these reactive attitudes in order to keep peace, build trust, and morally develop those in its care. Parents certainly have the kind of role where it is permissible and sometimes obligatory for them to express disapproval towards their own children. They have this obligation more than a stranger has any obligation to express such disapproval. Since the state may be engaged in a similar kind of peace-keeping and unity-keeping role among its citizens, perhaps they have this special relation and therefore obligation to do this as well.

Moreover, although this is a backwards-looking justification of punishment, I also think that this is clearly not the gateway for justifying vengeful punishment. Parents can disapprove of their child for their bad behavior, and express disapproval towards their child, even in a way that causes some pain in the child, all without lacking care and empathy for their child. Yet, just because there is this backwards-looking justification for punishment, it does not say that we are justified in punishing out children in a vengeful way. I will come back to the limits of this backwards-looking element in the last section.

I haven't argued that Care Ethics is the only theory that can justify punishment as an expression of disapproval. However, Care Ethics is unique in that I have explained that disapproval is distinctively moral responsibility agnostic when taken through the lens of this theory. So, even if other theories might agree that punishment is justified as an expression of disapproval, not every theory could so easily take on Feinburg's ideas about the expressive function of punishment without making assumptions about moral responsibility. This is because, as I argued, Care Ethics has a specific advantage in explaining the morality and the fittingness of directing the reactive attitudes towards the person who acted wrongly, without making assumptions about moral responsibility. For

other theories, saying that punishment is an expression of reactive attitudes might still amount to a desert-based justification for punishment, if it turns out that these reactive attitudes are only fitting and permissible if a person *deserves* these reactions because of what she has done.

However, I have argued that Care Ethics explains why disapproval is fittingly backward-looking and fittingly directed towards the person who acted wrongly. And since the Care Ethicist can explain both of these elements of the reactive attitudes without making assumptions about free will, the Care Ethicist can extend this explanation to the expressive function of punishment, giving a partly backwards-looking justification of punishment, without relying on assumptions about desert, free will or moral responsibility.

I should note that, although this is a backwards-looking justification, it is a mixed backwards and forwards-looking justification. It is forward-looking too because displaying this disapproval shows empathy and care towards the victims of the crime.

Care Ethics not only explains why the reactive attitudes are permissible without making assumptions about responsibility, but it can explain why punishment is fitting as a matter of degree. Harsher punishments are meant to display stronger disapproval, and so it is fitting as a response to actions that lack the most empathy or display the most malice. Notice this matches our intuitions. Worse punishments are fitting for premeditated murder than accidental manslaughter.

There are still many questions that are left unanswered here. And really, I just mean this to be an introduction to a possible avenue in which the Care Ethicist could explain the justification of punishment in a partially backwards-looking way without

making assumptions about moral responsibility. However, the Care Ethicist still needs to explain what kinds of punishment represent which reactive attitudes. Does a sentence in prison (given what we know about what goes on in the current prison system), represent an expression of moral disapproval (this doesn't seem likely) or something stronger, like moral anger? I won't pretend to provide a full theory of this here.

But the answer will matter greatly. The Care Ethicist said that emotions like anger or resentment would be considered, at least, much more morally precarious. As such, a huge question still exists as to how the state might display disapproval rather than anger. The state should adhere to those moral reactive attitudes that are permissible, just as individuals must, in order to be a good state. As such, Care Ethics may indeed advocate for changes in the criminal justice system to lessen the kinds of harsh conditions of it. It might advocate for a way to express disapproval, even strong disapproval, without condoning some of the harsh realities of the current system. I will come back to this point in the last section.

However, Feinburg's model also explains why reforming the justice system now is such a hard thing to do. And why making random exceptions to it, like the Stanford rape case, might be problematic. This is because incarceration has come to symbolize or even stand for our expression of moral disapproval in our culture. So to change the incarceration system seems to say that we no longer disapprove of these kinds of actions and the individuals that perform them. So, Care Ethics would advocate a change in the incarceration system that does not lack empathic care for the criminal, and yet is still a formal expression of moral disapproval. I think Feinburg's model suggests why this is

tricky and may take time, but why it is not impossible. And it explains why such a swift change might seem to display a lack of empathy for victims.

Other Care Ethical Justifications of Punishment:

Although I explained one way in which Care Ethics can justify punishment, which involves a backwards-looking element without relying on responsibility, I do not think this is the end of the story. I think Care Ethics can justify punishment as caring towards at least four different groups overall.

First, punishment can be empathically caring for possible future victims. It protects them against potential future harms, since it keeps a criminal incapacitated and unable to commit crimes. As such, it shows empathic care towards potential future victims. In this way, Care Ethics can explain the justification of punishment as quarantine.

Second, it can also be empathically caring towards a society to punish wrongdoers for several reasons. First, there is the standard argument that the threat of punishment against wrong actions will deter individuals from committing crimes, and that this will lead directly to a better and safer society. There may also be several indirect effects. For instance, knowing that criminals are punished might lead citizens to have less fear, and so more trust and happiness. As such, Care Ethics can give the justification of punishment as deterrence.

Lastly, and most surprisingly, punishment can be considered caring towards a criminal. This has to do with the fact that punishment can be (at least ideally)

rehabilitative. When we think of punishment in the home, I think it is clear why punishment is not always incompatible with care for the one who is being punished. We think that punishment can be permissible, and perhaps even necessary within a caring home environment. In fact, often parents punish children when they act wrongly *because* they care for them. Caring does not always entail that the punishment is easy or pleasant. But we still think that this is best for the child, because we want them to learn and become a better human being. Caring for somebody's moral education might be a way of caring for them. We think that a little pain now will make them and their lives better in the future. So, even if we empathically pick up on a child's wish not to be punished, and the pain they feel at being punished. We may still decide that the factors of how much this will enhance their welfare, outweigh these empathic considerations. In this way, punishment may still be the caring action, even when it is a painful process. It is important to note that it may not be caring towards the criminal to send them to be punished in the current system. I am not trying to use this to justify our current system or current practices of punishment. Rather, I just want to point out that if we could design a system that did rehabilitate criminals, then to do so might show them care.

And, lastly, as I explained about, punishment can also show empathic care towards past victims. That is, some say that legal punishment serves the purpose of providing an official and public expression of moral reactive attitudes. This kind of official expression can provide the sense that the state recognizes and empathizes with the past victim's pain, and that it disapproves of this harmful action. In other words, I think it is important because, in being an official expression of moral disapproval, it also shows empathic care towards the victims of the crime. "We recognize that this person

caused you, one of our citizens, harm, and this is not permissible,” the act of punishment seems to say.

Now, one might argue that it is less clear how we can have a punishment system that shows care for all of these groups at once. That is, for instance, can we show empathic care for both the past victims and for the wrong-doer as well? I would argue that they only seem incompatible because of the harsh realities of the criminal justice system as it is now, but if a criminal justice system is primarily focused on rehabilitation (as I will argue it should be), then this will not seem so far-fetched. I would have to leave the details for another time. But if we can have just punishment within the home that is painful but still shows care for the wrong-doer and care for the child who was hurt, then it doesn't seem like an impossible task.

So, Care Ethics shows how punishment can show empathic care to at least four groups. What is interesting is that each group corresponds to a traditional function of punishment. Punishment functions as a way of quarantining a criminal, and this is caring towards possible future victims. If punishment functions as a deterrent for other criminals, then this makes it caring towards society in general. Third, if punishment (at least ideally) could function to rehabilitate criminals, and this is caring towards the criminal. And, as I've already mentioned, punishment functions as an expression of backwards-looking reactive attitudes, and this can show empathy and care towards past victims. All of these functions of punishment are well known in the literature, but it is not easy for one overarching framework to capture the importance of all of these functions at once. Care Ethics can.

Care Ethics has the potential for providing a forwards and backwards-looking justification of punishment in one unified account. Care Ethics might provide an entirely new way of justifying punishment in terms of empathic care. This empathic caring justification can go further than a consequentialist justification, because it is more robust and can justify in a backwards-looking way in addition to providing forward-looking reasons for punishment. However, unlike the desert-based view, the backwards-looking component does not require a metaphysical commitment to free will or moral responsibility. Punishment will be justified whether Hard Determinism, Compatibilism, or Libertarianism is true. Lastly, Care Ethics is able to justify punishment for forward-looking and backward-looking reasons while still maintaining a single unified framework. That is, in order to accept that punishment is justified as rehabilitation, restraint, deterrence, and a backwards-looking justification (although I won't use the word deserving), many think we must accept a hybrid theoretical framework. Care Ethics supports all of these justifications under one theoretical framework.

Hard Determinist Advantages without the Metaphysical Headaches:

Although, the Care Ethicist accounts for some kind of minimal backwards-looking justification of punishment, I also think it accounts for many of the intuitions that Hard Determinists and other Moral Responsibility Skeptics want to capture about punishment. It will account for the importance of constructing a punishment system that advocates for understanding, empathy and moral education rather than pain for the sake of revenge or retribution. However, the Care Ethicist can also explain why all of this is essential for our justice system, without needing to take on the Hard Determinist's

controversial views about free will and moral responsibility. It can stay agnostic on this controversial debate, but show why many of their conclusions are correct.

First, let me say more about what Moral Responsibility Skeptics say about punishment. I think at least part of what they have to say about punishment is intuitively plausible. However, to get on board with their arguments, one has to take on quite a contentious assumption, which is that we do not have free will and this means we also cannot be morally responsible. For many, this is too hard of a pill to swallow. I think that Care Ethics can explain what is intuitively plausible about their account of punishment, and explain it without needing to posit their contentious position in the Free Will debate.

Of course, as I've shown, Care Ethics can capture some important features of punishment that a belief in Hard Determinism alone or in conjunction with consequentialism cannot. Namely, a Care Ethicist's justification allows for some backwards-looking justifications of punishment, but while remaining free will and moral responsibility agnostic.

Many Hard Determinists not only explain what justifications for punishment are still available to them without making assumptions about free will, namely forward-looking justifications. But they also argue that positive changes must be made in the criminal justice system because it turns out that we do not have free will, and these criminals cannot *deserve* punishment for their actions.

For instance, Waller argues that a belief in Hard Determinism and that people do not deserve certain punishments might lead to improvements to the criminal justice system. According to Waller, under a 'no-blame' model of punishment, we "would not

treat people as objects for manipulation,” nor would we “ratchet up harsh cruelty of the current retributive system.”¹¹³ Not surprisingly, he thinks that the focus of a criminal justice system in a world without moral responsibility would shift to rehabilitation and away from retribution. He thinks this may be hard for us to accept, but that this simply has to do with the fact that we often have such a strong desire for retribution. However, the belief in determinism will force us to abandon our narrow focus on blaming the individual and shift to a broader focus on the factors that led to criminal behavior in the first place. We could no longer “ignore systematic problems of racism, inadequate educational facilities, job discrimination, lack of employment opportunities, lack of medical care, and lack of respect” that may help to shape criminals.¹¹⁴

Waller argues that without being able to rely on the notion that people are blameworthy, it will also lead to more understanding. This he thinks is a good aspect of a belief in Hard Determinism. I think that a belief in Care Ethics can also lead to more understanding and to focus less on anger and blame, but it can lead us to these conclusions without making any assumptions about moral responsibility. Care Ethics will similarly advocate more understanding towards criminals for two reasons.

First, empathy is how we make moral judgments according to Care Ethics. Because Care Ethics defines right action in terms of the right kind of motivations, it encourages people judging actions to look at the *why* just in order to judge whether the action was right or wrong. Since Care Ethics understands right and wrong action in terms of the motivations of an agent, the judgment of actions as right or wrong involves trying

¹¹³ Waller 293.

¹¹⁴ Waller 294.

to understand a person's motivations for the action. So, unlike other theories, Care Ethics already starts from a perspective of understanding a moral transgressor because this is part of determining the rightness or wrongness of the act. This is opposed to other theories, which first judge the action as right or wrong without reference to the agent's motivations, and then turn to blaming the individual. For these theories, understanding "the why" would be an extra optional step. For Care Ethics it is not an extra or optional step, it is fundamental and the first step to moral judgment.

Second, it is morally good to have empathy with everybody according to Care Ethics. Care Ethics would encourage us to expand our empathy to include the criminal as much as we can (as long as it doesn't involve neglecting empathy for another). When it comes to individuals, more would need to be said as to whether this would be an obligatory expanding of empathy or a supererogatory expansion of empathy. But when it comes to the state, I think one would want to say that this kind of understanding in order to make improvements to people's character and to discourage crime in the future might be morally obligatory. To punish in a way that also involves empathy for the criminal would simply be the morally better action under Care Ethics, because it would involve more empathic care than a punishment that only showed empathic care for the possible future victims and welfare of society, but showed no empathy towards the criminal as well.¹¹⁵ If it is possible to expand our empathy for anybody else, the Care Ethicist would say that we should do this.

¹¹⁵ In fact, empathic care towards criminals may be itself a first step in many cases of rehabilitation, since showing care is a part of induction, a form of moral education.

This is especially true, if we take what Noddings says about the general justification for punishment seriously, and as a Care Ethicist, I think we should. Surely, punishment in the home cannot be done without also having empathically caring relationships with the children. Nor do we think it is incompatible to both punish our child and have empathic care for our child. It's tricky, but not impossible. I don't see why the same couldn't be said about punishment at the level of the state as well. I don't see why we can't find ways to make more prisons more humane for the prisoners and make prison truly about moral education and reform when possible. And I do not think that moral education and reform is possible outside of caring contexts.

One might argue that if I am really talking about making these kinds of changes in the punishment system, that this isn't really punishment at all anymore. But I do not think this is the case. It may be a more humane punishment, and it may be done with more empathy and care, but I still think it is a kind of punishment. Consequentialists and Hard Determinists argue that the justification for punishment shows that we must drastically change the way we actually punish criminals and make this a much more humane and understanding approach. But just because they advocate against retributive punishment, they do not argue that it is no longer considered punishment at all. Similarly, parents punish children while not only empathizing and caring for them, but while loving them. Yet, just because it isn't vengeful or the infliction of pain for the sake of pain, it is still considered an instance of a kind of punishment.

One might also reply that there may be cases where an expansion of empathy is impossible. This is especially true of horrific crimes. I do concede that this may be more of a problem when it comes to state punishment, that is less likely to occur in normal

kinds of parental punishment of children. These would be in cases where empathy with the victims was at odd with empathy with the criminals. Taking it light on the criminals would entail that we weren't fully empathizing with the victims. In these cases, some kind of balancing of empathic factors would need to be weighed, and although we might not be able to empathize with why a criminal did what they did, I don't think we would not empathize with any needs of the criminal in any context whatsoever. In other words, I don't think even this could justify putting somebody in inhumane conditions for the rest of their lives. More needs to be said about what this balancing act would look like, and I concede that it is complicated. Unfortunately, I do not have time for such a full account here. Really, this has just been meant to be a suggestion for some interesting things that Care Ethics can say about punishment without responsibility.

Unlike Hard Determinism, Care Ethics can explain the permissibility of punishment in terms of backward-looking components in addition to forward-looking components. Yet, it can do this without making assumptions about moral responsibility, which would be quite an achievement in the punishment literature. I think I've said enough to at least show that this kind of justification of punishment is worth exploring further.

Chapter 9

Conclusion

Overall, in this dissertation, I have shown that Care Ethics, because of its agent-basing, its inclusion of the importance of emotions, and its emphasis on our relational nature over individual autonomy, nicely avoids making assumptions about moral responsibility, desert or free will, even in areas where we think these assumptions are almost unavoidable. One can stay agnostic about this entire contentious debate without it affecting the explanation of important moral concepts, like respect, our reactive attitudes, or backwards-looking justifications for punishment.

In the first three chapters, I explained why the Care Ethical Theory, which says that empathy constitutes respect, has certain advantages. This is because it does not ignore the role emotion should play in its theory of dignity and the object of respect. Care Ethical respect doesn't say that the special part of our nature, the part of us that gives us this special status as worthy of respect, is our status as free, rational and autonomous beings. This means that the question of whether we need free will in order to have autonomy drops out of the equation entirely. We don't need to answer it in order to explain why we are obligated to respect each other. Care Ethical respect just doesn't put the same emphasis of importance on our status as free and in control, and this allows us to avoid this contentious debate altogether. We don't need to say, believe, or have any feelings about freedom in order to say we have an obligation to respect each other.

It is also the case that Care Ethics can say something about the fittingness of the reactive attitudes, the morality of expressing these reactive attitudes, and how these two questions fit together, all without needing to make any assumptions about free will,

desert, or moral responsibility. Care Ethics has an advantage in explaining the fittingness of the reactive attitudes because it is an agent-based moral theory. For the Care Ethicist, it is something about the person, namely her motivations, which makes an action right or wrong. So, the Care Ethicist can explain why our reactive attitude is fittingly directed at the wrong-making feature *and* the person who acted, without needing to say that this is because the person is responsible for the action. Instead, it is that the person is a part of the right-making feature of an action. The sentimentalist aspect of Care Ethics also allows the theory to quite easily provide an intuitive theory of the morality of expressing these reactive attitudes. It even nicely explains why expressing these reactive attitudes is not only permissible, but sometimes morally obligatory.

Lastly, I ended by suggesting and beginning to sketch out a Care Ethical justification for punishment. I also argued that if we combine this with what Care Ethics says about the fittingness and the permissibility of the reactive attitudes, and Feinburg's theory of the expressive function of punishment, one can also see why Care Ethics can provide a backwards-looking justification of punishment without making assumptions about free will.

Overall, the concepts of respect, our reactive attitudes, and backwards-looking justifications of punishment are thought to be strongly tied to the free will and moral responsibility debate. If the Moral Responsibility Skeptics are right, we might have to fundamentally alter these three aspects of our moral lives. I have argued that if you take a Care Ethical normative view, this is not the case. Care Ethics provides intuitive explanations of all of these concepts while remaining moral responsibility agnostic.

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