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Í Hagnýtri siðfræði

The Caring Democracy:

Applying the Ethics of Care to Democracy

Katla Hólm Vilbergs- og Þórhildardóttir

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HÁSKÓLI ÍSLANDS
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The Caring Democracy: Applying the Ethics of Care to Democracy

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Ágrip

Efni þessarar rannsóknar er umhyggjusiðfræði (e. Ethics of Care) og hvaða áhrif hún getur haft á lýðræði. Umhyggjusiðfræði var lengi eignuð heilbrigðissíðfræði en á undanförunum árum hefur borið á rannsóknum innan heimspekinnar sem fjalla um hvernig beita má umhyggjusiðfræði í stjórnámálum.. En þar sem umhyggjusiðfræði tilheyrir femínisma innan stjórnámálafræði er hún í eðli sínu pólitísk.

Í þessari rannsókn er farið yfir þau áhrif sem umhyggjusiðfræði getur haft á lýðræði. Ég fer stuttlega yfir sögu karla, og áhrif kvenna á stjórnámála kenningar 19. aldarinnar. Sett er fram ýtarleg greiningu á umhyggjusiðfræði og hún borin saman við aðrar síðfræði kenningar, einna helst dyggðasiðfræði (e. Virtue ethics) og réttlætis kenninga (e. Justice theories), til að sýna fram á hvernig umhyggjusiðfræði sker sig úr og er heildstæð kenning sem að getur staðið ein og sér. Greining á skrifum Joan C. Tronto um pólitíska notkun á umhyggjusiðfræði, ásamt öðru grundvallar-efni um kenninguna sýnir að umhyggjusiðfræði leitast við að víkka skilning á réttlæti og sameiginlegri ábyrgð stjórnvalda og borgara. Ég fjalla um kenningar um fulltrúalýðræði og einblíni á áherslur um kvenlæg gildi sem og umræðulýðræði (e. Deliberative democracy) sem ég tel vera gott dæmi um umhyggjusama nálgun á lýðræði.

Pólitísk málefni hvers samfélags byggja á stjórnarskrá þess ríkis og færi ég rök fyrir því að það sé nauðsynlegt að raddir kvenna hafi árif á stjórnarskrár til að tryggja sanngirni og réttlæti. Auk þess mun ég sýna fram á hvernig stjórnarskrár sem hafa verið skrifaðar með þátttöku, og undir áhrifum kvenna eru í eðli sínu umhyggjusamar. Að lokum sýni ég hvernig umhyggjusiðfræði getur haft mikilvæg áhrif á lýðræðið, í gegnum stjórnarskrár, sem munu skila sér í samfélagi sem leggur áherslu á gildi sem byggja á húmanisma og umhyggju fyrir náunganum. Út frá því er vert að velta því fyrir sér hversu umhyggjusöm stjórnvöld sem standa í vegi fyrir stjórnarskrárbreytingum eru í raun og veru gagnvart borgurum og samfélaginu sjálfu.

Umhyggju síðferði þarf að vera til staðar bæði í borgaralegu samfélagi og á sviði stjórnamála. Ef að borgarar byrja að stunda umhyggju stjórnámál þá mun svið stjórnamála þróast í sömu átt. Umhyggjusamar stjórnarskrár virka sem grunnur borgaralegs samfélags og leiðarvísir fyrir valdastöðu stjórnvalda gagnvart borgurum. Stjórnarskrár sem að leggja áherslu á umhyggjusiðferði eru líklegri til að leiða af sér umhyggjulýðræði.

Abstract

The topic of this research is the ethics of care, and how it can influence democracy. Care ethics might be seen by many as simply ethics of health industries rather than political theory. However, given that care ethics are a feminist branch in philosophy, they are also de facto political.

I explain the influence that care ethics could have on democracy. I make a short overview of men's history and the voices of women in the past, to show how feminist thought has been influential in theory making of the 20th century. I present an extensive account of the theory of care ethics, with regards to other ethical theories such as virtue and justice theories with the purpose of showing how care ethics are distinctive and a complete moral theory that stands on its own.

An analysis of the works of Joan C. Tronto along with a theory on politics of compassion, which is closely related to care ethics, will show how care ethics are not paternalistic in nature and how ethics of care and liberalism do not have to be incompatible, but are two sides of the same coin.

I look at the political system of representation and focus on feminine values in representation as well as deliberative democracy, which I find is a very clear demonstration of a caring approach to democracy.

Constitutions are the cornerstone of all political matters in society, and I argue that having women involved in the crafting of constitutions is vital for its fairness. I also work to demonstrate how constitutions written in recent years with women involved, are more caring than those written in the past when women were excluded from political participation.

Finally, I show how care ethics could have a major impact on democracy through constitutions, resulting in a society where priorities and values will be based more on humanism and caring relations. Thus, it is cause to worry about the extent to which a government, one that stands in the way of such constitutional changes, can be considered to care for or about its people and society.

A caring morality must be practised in both civil society, among the public, as well as in the political sphere. When citizens practice compassionate politics, the political sphere must follow. Caring constitutions serve as the foundation for civil morality, and the framework for balancing the power relationship between citizens and authorities. Constitutions that have an emphasis on a caring morality are likely to serve as a foundation for a caring democracy.

Prologue

Researching the topic of a caring democracy has been an emotional ride for me in many ways. From a young age, we as citizens in democratic states are taught that democratic outcomes are always fair, because democracy ensures equality between us all. We all have a vote after all, and if we cast our votes we have taken part in the fair process of democracy, and those who have most votes claim victory. We are told that the power lies with those victors, and casting our vote is the only way to practice democracy. “The majority rules”.

We are not taught as children that in some parts, votes count more than in other parts. We are not taught about social- and economic differences that marginalise many people so much that they feel their votes do not matter. We are not taught as children that in between elections our voices matter and that we as citizens are the core of a democracy: it is entailed in the word itself: the power is with the people. The emotional ride I have been on has taken me to sadness, to defeat, and to rage. But it has also taken me to hope, and joy and optimism. Because ours is the future, and we will make sure that the children growing up from now on, will know the true meaning of democracy, and we will create a more caring society, where the misuse of power and the silencing of people’s voices will not be tolerated. We will move towards a more compassionate and morally caring political sphere.

To conclude, in the caring and compassionate vision of the new and long-yearned-for, Constitution of Iceland:

“We, the people who inhabit Iceland, wish to create a just society where every person has equal opportunity. Our diverse origin enriches our society and together we are responsible for the heritage of generations, our country and its history, nature, language and culture. Iceland is a free and sovereign state with freedom, equality, democracy and human rights as its cornerstones.

The government shall endeavour to strengthen the welfare of the country’s inhabitants, encourage their culture and respect the diversity of the life of the people, the country and its biosphere.

We wish to promote harmony, security and happiness amongst us and coming generations. We are determined to work towards peace with other nations and respect for the earth and all mankind.

In light thereof, we set a new Constitution, the supreme law of the land that all must observe.”

Takk

Ísak Hólm Ford, kæri sonur, fyrir að minna mig daglega á af hverju baráttan fyrir umhyggjusömu samfélagi er þess virði. Takk fyrir að minna mig á af hverju við sem gengum þessa jörð á undan þinni kynslóð, berum ábyrgð á að skilja hana eftir betri en áður. Takk fyrir að minna mig á af hverju við þurfum að vinna að betra lýðræði fyrir okkur öll, og takk fyrir að vera endalaus hvatning til að gera betur í lífinu, fyrir þig, mig og alla aðra. Takk fyrir að minna mig á, með umhyggju þinni, kærleik og vinsemd gagnvart öðrum, hvernig við getum öll gert betur.

Jan Martin, eiginmaður minn. Ég hef oft sagt þér frá trjánum tveimur, sem ég sá í klaustursgarði á Englandi. Þau voru bundin saman með reipum sem sáu til þess að hvorugt þeirra féll niður, tilvera þeirra var háð hvort öðru. Þau voru svo forn og tröllvaxin að þau þurftu stuðning frá hvort öðru til að halda sér við. Viðfangsefni þessarar ritgerðar, sem og endalaus stuðningur þinn í ferlinu, hefur ítrekað leitt huga minn að þessum tveimur trjám, sem að sama skapi minna mig alltaf á þig. Takk fyrir að hlusta á mig, styðja mig og leiðbeina mér í þessu verkefni, sem og öllum öðrum verkefnum sem við tökumst á við saman.

Konurnar í lífi mínu, valkyrjurnar sem kenndu mér hvað felst í kærleiksríkum samböndum: traust, samkennd og heiðarleiki. Takk fyrir að vera sterkar og sjálfstæðar konur með mér. Takk fyrir að vera óþrjótandi uppspretta hvatningar, gleði, umhugsunar og hláturs. Kona er ekki heil án vinkvenna sinna.

Eyja Margrét, leiðbeinandi minn: takk fyrir gagnrýnina, uppbygginguna, þolinmæðina og allra helst fyrir að vera fyrirmynd annara kvenna í heimspeki. Takk fyrir að leggja í þetta verkefni með mér.

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Introduction

The topic of the research is the ethics of care, and how it may influence democracy. Care ethics might be seen by many as simply ethics of health industries rather than political theory. However, given that care ethics are a feminist branch in philosophy, they are also de facto political. The spotlight has moved in the past few years towards political issues, such as power relations in politics and how governing with care in mind might influence outcomes. As a result, recent literature shows connections between care ethics, as a moral theory, and the political sphere. Once, the actions of care were bound to the private sphere, in the hands of women. The ethics of care wants to bring this morality into the political sphere.

My research method revolves around answering normative questions, asking how the ethics of care can shape democracy. The answer is not a matter of simplicity since the caring morality must be practised in both civil society amongst the public as well as in the political sphere. When the citizens practice compassionate politics, the political sphere must follow. Caring constitutions serve as the foundation for civil morality, and the framework for balancing the power relationship between citizens and authorities. Constitutions that have an emphasis on caring morality are likely to serve as the foundation for a caring democracy. I will use literature from the field of ethics, political theory, and the history of feminism to argue the significance of the ethics of care in politics. In the chapter about constitutions, I rely in some part on academic work of political theorists, some information from governments as well as the actual constitutions of four countries: two in a small part and another two in a larger sense.

I will explain the influence that care ethics could have on democracy in a few steps. First, I will make a short overview of men's history and the voices of women in the past, to show how feminist thought has been influential in theory making of the 20th century. I will then explain the roots of care ethics, and how they are not indeed the only branch of feminist ethics. I will also make an account on the debate of essentialism in the difference of the sexes.

Then I will present an extensive account of the theory of Care ethics, with regards towards other ethical theories, such as virtue and justice theories with the purpose of showing how care ethics are distinctive and a complete moral theory that stands on its own. I will also show how care ethics and liberalism are not opposites with no common ground, but rather two sides of the same coin. The extensive work of Joan C. Tronto will be carefully reviewed along with a theory on politics of compassion, which is closely related to care ethics.

In chapter three I will look at the political system of representation. Having already discussed men's history and their influence on the system of democracy, I will focus mainly on feminine values in representation as well as deliberative democracy, which I find is a very clear demonstration of a caring and feminine approach to democracy.

The fourth and fifth part will focus on constitutions. They are the cornerstone of all political matters in society; social contracts that people agree upon. Having women involved when crafting a constitution is vital for its fairness, but here our interest is whether constitutions written in recent years, with women involved, are more caring than those written in the past, while women were excluded from political participation.

Lastly, I will conclude how care ethics and compassionate politics do not infringe upon individual liberty, but rather emphasise the importance of fair justice, both in the private as well as the public sphere. Care ethics could have a major impact on democracy, especially with the use of caring and empowering constitutions, resulting in a society where priorities and values will be based more on humanism and caring relations.

1 Historical Context

1.1 The history of men

It is not uncommon to state that the rule of political matters has been in the hands of men throughout the centuries. It is evident in the fact that women's civil rights, such as voting, running for office, and holding property were scarce in western culture up until roughly a hundred years ago. Still today women in the world must submit under the rule of men, forbidden from going to school, forbidden from driving, and forbidden from letting their voices be heard. This is information we know and is not to be taken lightly. Not only have men held power in the game of politics, but in the making of political thought as well. Political philosophy and ethics are dominated by theories that have laid the foundation for our modern political and philosophical thought. We could go back to ancient times and talk about Socrates and Aristotle, but for the purpose of staying within the topic, the focus will be on the past 300 years or so; the age of enlightenment, followed by the time of romanticism and liberation, to our days of multiculturalism, universalism, and of the individual.

Even though many philosophers of the enlightenment spoke for monarchies, they were also aware that the rulers of states must be fair and just in their ruling. Thomas Hobbes was one of those that saw a rule under one single authority as the ideal political situation. He maintained that monarchs would be consistent in their ruling and that good monarchs would put the good of the people first, seeing that the power was ultimately in their hands. Other great philosophers of the enlightenment did not quite agree with this judgement and spoke for aristocracies, an obscure type of democracy where the rule lies in the hands of the noble men of society, "the cream of the crop" one could say. However, aristocracy is a construct where power is maintained within families and was bound to maintain social-economic differences. The liberal side of the enlightenment did not see aristocracy as just governance, it was greatly influenced by the France revolution, and demands of equal rights among men were louder than before. Thus, democracy gained momentum, and another debate rose: determining which qualities make the rulers fit to rule a complex society with people from different classes and background. Those debates rarely contained the role of women in public life. (Miller, 2003, pp. 37-38).

One of the major contributions towards the qualities of democracy was Rousseau's Social Contract. There he lays out a beautiful vision of a society where people would together write up a document which would place the foundation for their society, in cooperation. His aim

was to resolve how men could be free under other people's rule, which in his view could be done with the social contract. By entering into a social contract of their own free will means that people become subject to others' rule of their own free will (Hampsher-Monk, 2005, pp. 156-157). It is highly unlikely that Rousseau included women when talking about men, and their role as political participants and influencers (Miller, 2003, pp. 48-49). It was also evident once democracy became the popular establishment in western societies, that it was not considered to be women's: the public did not entail those whose place was first and foremost in the home. To be fair, it was not only women that were excluded from democracy in those early days: for example, lower class men and men with no property did not get the vote right away. The political participation of men, free will and individual liberties, was not for all, which indicates that the aristocracy still had a strong hold in men during the age of enlightenment. After this period, a more romantic period arose, an era of freedom and autonomy for people, but still mostly men's.

John Stuart Mill's ground-breaking *On Liberty* dealt with the issues of inequality of classes. His work has been the foundation for all liberal thought since then, still regarded as one the most influential works for those who fight for individual's liberty. Mill's liberalism was quite provocative at the time, with arguments for absolute freedom of the individual if it did not infringe upon any other person, as well as the claim that the state should have no right to interfere with individual's liberties of any kind (Miller, 2003, p. 56). Of course, this is a protection for the public, against governments. No matter the quality of a government, there is always some danger posed to the public's freedom of expression or movement for example, as is evident in the world today.

The subject of this research is not entirely men's history, in fact as little energy as possible should be directed towards that extensively covered subject. The aim of this short review of some of the great men in political philosophy is to highlight their influence in today's political thought, and to show how the foundation upon we build our political thought, is a foundation laid by men. This does certainly not mean that women were silent, passive, with no opinions and wholly subjected to men during the days of the enlightenment and the romantic era of liberal thought. In the following pages an account of women's voices will be presented.

1.2 The voices of women

The goal of this chapter is to show some of the women that have shaped modern political thought in the same way as the men previously covered. The voices of these women might

have been silenced in their time, and not taken seriously enough in modern time, but their thoughts on political matters show the importance of including them in political theory since they not only have different perspectives than the men, but so much of the literature left by them echo in modern feminist literature.

Mary Wollstonecraft is by many considered the most influential woman to have written about women's rights in the early days of the enlightenment. She was of course not the first woman to do so, but to stay on topic we will consider her great work as a turning point for women's emancipation. It is fair to say that the first step in the organized battle for women's rights was the one of education. Wollstonecraft believed that educating women to be free and rational beings would lead to a better society for the whole. She was a liberal thinker that believed in education, and that class and gender were interconnected factors in a patriarchal society. She furthermore believed that the spheres of public and private were not two separate fields. She argued that in the privacy of the home, justice was as important as in the public life of society (Sapiro, 1996, p. 37). After all, the home cannot be excluded from society.

She was very critical towards women being raised solely for the role of being wives and subordinate to their husbands, but wrote that educating them would make them better wives (Wollstonecraft, 1996, p. 184), as long as the men would fulfil their own parts in the marriage. Modern-day reviews of Wollstonecraft's writing show her remarks in context with her other work as a disapproval of the societal structure she lived in, which she was an avid critic of (Muller, 1996, p. 55). Her arguments have been described as a sharp sketch of the patriarchy, where no good reason can be given for all women not having the same sort of education as men as well as the same rights, politically and economically (Muller, 1996, p. 52). She wrote repeatedly about a society of enlightenment where equal social and political rights were the common thing, with no strings of class and gender attached. She saw the same hierarchy within the home as in political life, and described it as a cage, of both the physical and the mental state (Sapiro, 1996, p. 41)

Wollstonecraft raised very valid questions about the morality of these two sexes and frequently wrote of virtues in that context. As discussed before, she believed highly in the value of education, and that children should be educated to become equals in all. Will Kymlicka describes her argument in "...that women's particularistic emotional nature was simply the result of the fact that women were denied the opportunity to fully develop their rational capacities." (Kymlicka, 2002, p. 399). This is an over-simplification of her view towards the liberal rationality. In fact, she wrote in defence of women's emotional

capabilities, wanting to interweave them with the rationality of the autonomous individual (Muller, 1996, p. 51). What is most interesting about her approach to the difference of virtues in the two sexes is that she clearly saw them as a learned behaviour, her theory is described as such:

“Civic virtue is learned in both the domestic and public arenas. People can probably not be virtuous if they are restricted only to one or the other arena as women and men both seem to be.” (Sapiro, 1996, p. 36)

It is noticeable that she describes virtue as a learned behaviour, what is known today as a social construct, and that she believed men to suffer from this gender division as much as women. Furthermore, it can be said that her view was that the structure of society was one of the most important factors in order for people to achieve virtue (Sapiro, 1996, p. 44). To clarify: Mary Wollstonecraft saw education, and the difference in education within both gender and class, to be the biggest hindrance for an equal and just society where true democracy would thrive.

Looking at Wollstonecraft’s writing in the context of modern thought sheds light on a very forward-thinking and radical woman in the age of enlightenment. She was very concerned with gender, class, the different knowledge acquired by women and men, and the opportunities to share that knowledge. Reviews of her literature show her contemplating relations of power and dependency, the real-life experience of women and the different moral thought of men and women, much like the modern ethic of care is concerned with. For that reason, it is even clearer that for women the struggle for equality has never only been about them alone.

Wollstonecraft wrote against women being dependent upon men in opinions and life, but another woman in the time of romanticism to write about women’s rights was Harriet Taylor Mill. She was the wife of John Stuart Mill and is believed by many to have worked alongside him in much of his work. But for complicated reasons was not able to be co-authored, which explains in part the lack of recognition of her work.

Taylor-Mill wrote about women’s education, emancipation and the injustices of marriage. In her opinion, young women were educated with one goal: to be eligible for marriage. With women having no property rights, no voting rights and not many opportunities for work, their best prospect was a well-suited marriage, one that would support them and their children. She considered women to be slaves to men, and entering marriage being nothing else than being

bought, for the convenience of men (Mill, 1998, p. 12). Taylor-Mill could not see why any person would enter such a union by one's own free will, if they really knew what it entailed. She believed that education was the key to end inequality, for both women and men, along with a real marriage contract that would guarantee equal rights of a couple, and that this contract could be dissoluble upon the request of either party (Mill, 1998, p. 25). But without the complete emancipation of women, this would be impossible.

Taylor-Mill did not only write about the importance of women's rights, she also wrote about the difference in the upbringing of boys and girls and how that would shape their attitudes in life and thus "...may have produced the appearance of different natures in the two sexes." (Mill, 1998, p. 22). This is forward thinking for that time, theories of social construct were not official until the 20th century, but it shows that in the Victorian era of England, there were at least two women doing philosophical work that did not believe in the essentialism of the sexes. Taylor-Mill believed that women were soft-hearted and kind, because of the way they were taught to behave, but did not see it as negative, rather something that men with authority should also show, for example when it came to child labour and education (Mill, 1998, p. 61). Theories of sex as a social construct were later seen by philosophers such as Judith Butler and Simone de Beauvoir, who famously claimed that individuals were not born women, but were made women. Taylor-Mill also made arguments for women having civil rights since women must obey the law and should thus have a say about the law. Furthermore, she objected to the home being women's proper sphere, her words being:

"We deny the right of any portion of the species to decide for another portion, or any individual for another individual, what is and what is not their "proper sphere." (Mill, 1998, p. 57)

Those two women are certainly not the only women worth covering when talking about women's influence on political theory, but their work was indeed very influential in the first wave of feminism, the groundwork for women's emancipation, liberation and overall recognition. In the 20th century, women such as Hannah Arendt and Simone de Beauvoir were great influences in women's political theory. The second wave of feminism offered women a platform to demand more political involvement, and it transformed the western world, followed by the third wave and their intersectional factors. The voices of women proved to be different than of the men in charge, with the experiences and reality of women being recognized as something that no longer could be ignored or considered to be the same as

men's. Feminism, both in grassroots and academia, has left its print on political theory, as well as ethical theory.

1.3 The emergence of feminist ethics

In another essay, it would be worth looking deeper into the history of women in philosophy in general, but for this research I will focus on the topic of ethical and political theory. Much like in political theory, the basis of modern ethical theory is originated in men's work, such as Kant and Mill. Virtue ethics along with justice ethics have been much in the spotlight, but they can be very male-centric, with focus on abstract problems and thought experiments, with the single goal of using the radical thought that men supposedly possess naturally.

Feminist ethics, like feminist philosophy, has a different focus. The separation of the public and private had been a subject of the second wave of feminism, maintaining that the private was indeed public. Feminine traits that were deemed in the past, by men, not to have a place in public discourse or as political matters, were now on the agenda, and a feminist emphasis regarding matters of ethics started being louder (Jaggar, 2001). Alison Jaggar argued that for ethics to be feminist, they would need to fulfil four basic conditions: first, they cannot assume that women and men are similarly situated. Neither can they assume that no women and men are similarly situated, as well as them needing to be considerate of classes, race and so forth. In other words, feminist ethics must be intersectional. Second, they must understand the actions of people in a broad context, allowing evaluation of cause and consequences in a social context. Third, because so much of many women's lives have been excluded from the public sphere, matters of the private should be the prominent part of the studies, and the distinction between the public and the private should be in constant critical reconsideration. The fourth condition is about taking the moral experience of all women seriously, but never, of course, uncritically. That could lead to single sided views of feminist ethics and stall the development of a young concept (Jaggar, 2001, pp. 532-533).

Carol Gilligan was the first to introduce the ethics of care in feminist ethics with her book *In a Different Voice: Psychological Theory and Women's Development* in 1982. She challenged dominant research methods by pointing towards the ever-male centric models used to research morality and decision making. Gilligan's theory has been described as a challenge to the mainstream liberal theories that highlight the individual as an autonomous, completely rational and free-thinking agent. Gilligan's theory was based on criticism of research that showed men to have a higher moral standard than women, based on their abilities to distance

themselves from ethical issues and resolve them in an abstract way. Gilligan's findings on the other hand were that women based their moral judgments on context, care and responsibility. (Árnason, 2008, p. 309)

Since then, Gilligan's work has received mixed criticism, Jaggar noting that "...many feminists seized on Gilligan's work as offering evidence for the existence of a characteristically feminine approach to morality..." (Jaggar, 2001, p. 529) and that feminist ethics and ethics of care are the one and the same thing. Others disagree with this and call Gilligan's methods and findings into doubt. In modern feminist ethics the goals are, according to Jaggar, to give equal weight to women's interest, to broaden the scope of ethics and to revalue the feminine. While all these factors are included in the ethics of care, it is not the sole purpose of the theory, which since the 1980's has been developed further and deeper. Before this territory is explored any further, it is wise to examine some of the underlying debate of the essential difference, which feminist theory wants to avoid.

1.4 The Essential Difference

Philosophers have contemplated for centuries what makes a person, relying greatly on essentialism in their theories. Feminist philosophy went in a different direction, seen in the works of Mary Wollstonecraft and Harriet Taylor Mill for example, and of course in 20th century theories. Simone de Beauvoir's famous words of a woman not being born as one but becoming one, are the foundation for the social construction theories of many philosophers, such as Judith Butler and her theory of "Doing Gender". Ásta Sveinsdóttir has also written extensively about the social construction of groups, analysing different types of construction. Her conclusion is that for something to have X does not mean that it is inherently X (Sveinsdóttir, 2015). According to Sally Haslanger, the social construction of genders does not mean that gender is not real. Individuals are simply constructed in social manners to identify with groups of shared interest (Haslanger, 2016). Women have long rejected the essentialist argument that women are emotional creatures lacking rational thought, and rather saying that behaviour is learned, and the two sexes are taught differently. While there is indeed a difference, the difference is not essential, but caused by socialisation.

A debate took place at the end of last century, between Francis Fukuyama and Mary Caprioli, where they argued for two different ideas about gender differences: biological determinism and socially learned behaviour. Fukuyama argued that because men are genetically more inclined to the use of violence, a world led by women would be more peaceful than a world

led by men. The social constructivism that many feminists use as an explanation for gender behaviour is only a part of this dynamic, according to Fukuyama (F. Fukuyama; M. Caprioli, 2004). His argument rests heavily on the behavioural research of chimpanzee's, and he wrote that "...female chimps have relationships; male chimps practice realpolitik." (F. Fukuyama; M. Caprioli, 2004, pp. 234-235). Thus, he concluded, that females are essentially more peaceful and better for a caring governance.

Caprioli did not agree with this view and argued for social constructivism. She thought anything else would be quite impossible to prove. In fact, she maintains that the "...only way to prove conclusively that women are more peaceful would be to raise a number of baby girls from birth in a cultural vacuum." (F. Fukuyama; M. Caprioli, 2004, p. 247). Relying on research about women as leaders in the 20th century, that show women being tied to stereotypes of strong leaders, which of course are historically speaking stereotypes of men. Women could in fact show more peaceful behaviour in governing if they would not be under the pressure of proving themselves to be "men enough" for leadership. She concludes that for women to show the true face of their leadership, equal rights and representation is key. If women were represented equally in the public sphere, they would be free to act truly according to their beliefs without following stereotypes based on masculine and feminine traits. Caprioli states that power and corruption do not pay heed to gender (F. Fukuyama; M. Caprioli, 2004, p. 250).

The early version of the ethics of care seemed quite essentialist, and Gilligan has received a fair amount of criticism from feminist theorists, as will be explained further in the chapter on theories in moral thought. But as the ethics of care has developed, many care-ethic theorists have tried to reconcile these criticisms.

Daniel Engster is one of those theorists. He makes an argument for human beings to "...have an innate disposition to care for others. (Engster, 2015, p. 227)". He claims that while human beings are most certainly somewhat selfish and competitive, as has been the belief of human nature since the seventeenth century, they are also naturally caring and compassionate. He draws from research in ethology, neurobiology, evolutionary theory as well as developmental psychology to show how caring about human nature has evolved with human beings, contributing to their survival. Engster denies any claims that there is an innate difference between the sexes, he says that the caring nature of humans is found in everyone, apart from psychopath perhaps, but what rather determines the precise nature of people's beliefs and actions is the social construct they are subjected to in their upbringing (Engster, 2015, p. 229).

Even though there is evidence of the care often being parochial, Engster believes it to be a part of the nature of caring, and it does not mean that it is an unchangeable situation. He argues that with the innate disposition of caring comes the possibility to expand the care in society. It is for the political sphere to devote attention to the natural caring disposition prewired in human beings (Engster, 2015, p. 245). In Engster's view, ethics of care can make an important impact on how the political sphere enables caring in maintaining a just society.

The debate between Fukuyama and Caprioli echoes a debate as old as time, seeing that essentialism dates to ancient philosophy where Aristotle describes women as emotional creatures and men as rational ones. Since then, the dominant philosophy theories have maintained this to be a *vis-à-vis* issue, that feelings have no place close to rational thought, and therefore the representation of women has echoed the same thing. Women must step into the public sphere on men's terms. This changed somewhat in the second wave of feminism, around the same time as feminist ethics emerged, when arguments about the difference of men and women were used to show why the representation of women was important. They had different experiences, different emphasis and different approaches in thinking of politics and morality. Some may still say that the difference is essential, but most realize how social construction has been the major factor explaining this difference.

I have already written in great length about two genders, as if they are only two, which according to the patriarchal system of the world, is a fact. This essay is based on feminist theory and studies; therefore, I find it necessary to talk about the distinction between sex and gender and the difference of social and biological construct of sex and gender. Here I will be talking about the two binary genders that people are normatively assigned at birth according to their genitals. It is widely recognized today that gender is a spectrum, with not only two biological sexes and certainly not only two genders. But for this paper, I will focus on the binary perspective, with no intention of accepting the patriarchal and binary claim in society.

The ethics of care allows individuals to be interdependent, it focuses on relationships and the importance of caring relationships. Some have said that the ethics of care is only relevant in that sense, for interpersonal caring relationships, and in fact that care ethics and justice ethics were completely incompatible. But in recent years the focus has been led towards the connections of care and justice, and politics (Koggel & Orme, 2010, pp. 109-110).

The next chapter will explore theories of moral thought, showing how the ethics of care are distinguishing on their own, before moving on to the importance of representation for a caring democracy.

2 Theories of moral thought in politics

My intention in this chapter is to thoroughly explain the ethics of care, considering more recent studies of the theory, particularly in relations with political theory. Carol Gilligan's theory of care ethics has been expanded greatly by theorists both from political science and philosophy, with the goal of explaining it as a moral theory that stands on its own, a theory that does not go against liberal and justice views of civil society but can strengthen those views.

I will have to give respects to other ethical theories, such as virtue and justice theories but only to show sufficiently how care ethics are distinctive.

Furthermore, I will show how care ethics and liberalism are not two opposite poles with no common ground, but rather two sides of the same coin.

Finally, I will give an explanation of politics of compassion, which are closely related to care ethics, and will be relevant later when I will feature different democracy theories, constitutions and their role in a caring democracy.

2.1 The Ethics of Care

According to Virginia Held, the ethics of care have moved far beyond its original formulations, where the emphasis was on how women's moral thought was different from men's. For many liberal feminists, it was a reason for major objections since it clearly highlighted the stereotypical image of women as selfless nurturers and therefore normalizing the fact that care-work was done mainly by women. It was not seen as an attack on the never changing hierarchy of gender; it was seen as backing up the conservative voices wanting women in the household and so on (Held, 2006, p. 22).

Another view on the morality of women, as caregivers and housewives, is that their moral thinking had not been recognized as moral thought at all. The use of moral thought was not considered as a factor in 'mothering', it was likely only considered that women were to think and reason when entering the public sphere of men (Held, 2006, p. 26). That notion is very sexist and brings out the core of the problem that feminist ethics face: that the experience of women is not real or valid in some way and is not valued in moral thought and therefore dismissed.

The feminist background of care ethics is a principal factor of the theory, experience is fundamental for feminist thought but Held describes it as "...the lived experience of feeling as

well as thinking, of performing actions as well as receiving impressions, and of being aware of our connections with other persons as well as of our own sensations.” (Held, 2006, p. 23). Even though many feminists found problems with the possible encouragement of feminine stereotypes in Gilligan’s ethics of care, it was still the closest to a complete feminist moral theory seen in academia for a long time. A theory that is based on the activism of women in feminist movements, as well as academic work of theorists, and rejects the male dominant moral theories. For feminists, the exclusion of women’s experience would no longer satisfy, and that is why the ethics of care has been established as the feminist theory to work with and develop further (Held, 2006, p. 28).

Held maintains that even though it originates in the private sphere of the household, and does indeed highlight often considered feminine characteristics, the ethics of care has developed beyond the household and can now be used to tackle all realms of the public and political life, as a moral theory that stands on its own, as it does not deny the feelings and epistemological process involved in forming moral thought (Held, 2006, p. 25).

There are many philosophers and political theorists that have contributed to defining the ethics of care, and here we will look at the five main features Virginia Held describes the theory as having:

1. Central focus on the moral responsibility of taking care of those closest to us. Thus, care is not just an action outside of moral thought. Care is a moral claim for everyone.
2. Emotions are valued as part of morality. Not to say all emotions, but such as sympathy, empathy, sensitivity is thought to be required to make morally sound decisions. These emotions need to be considered and validated, not dismissed as distractions from rational and calculated thinking.
3. Rejection of the complete abstract reasoning in moral problems. It is very dominant in moral theories that problems are presented as conflicts between two factors that are incomplete and unresolvable opposition. Ethics of care focus rather on the area between these two extremes.
4. It rethinks the traditional thought of the public and the private, questioning the power involved in relationships happening in both areas. Dominant theories have recognized the importance of morality in the public sphere but neglected the private sphere, on the expense of women. Ethics of care addresses the power vs. care relations in the home as well as in legislation regarding women’s individual rights and men’s dominance in the home.

5. Relationships between people. Held says „The ethics of care, ..., characteristically sees persons as relational and interdependent, morally and epistemologically. “ (Held, 2006, p. 13) The dominant view of people being completely autonomous, rational, self-interested and independent is challenged with the ethics of care. The reason we can be those things is because of care and social relations.

(Held, 2006, pp. 10-13)

The last factor is probably the most important one, the ethics of care is in its core about relationships between people. That is not to say it is as simple as only intimate relationships between family members, but all relationships that we engage in on an everyday basis. Joan C. Tronto talks about these relationships as politics with a small ‘p’, as every communication people take part in is a matter of negotiating terms and conditions within some sort of power relationships (Tronto, 2015, p. 9). The relations factor of the care ethics is what differentiates this moral theory from others, such as virtue theories. Held seeks to show how caring relations spread beyond caring relationships in families and welfare institutions, to the relationships that make up social groups, the actions that political and social institutions can make for building caring operations and as far as the global concern of justice (Held, 2006, p. 31).

It is not that caring relationships involve actions solely, because caring actions vary between people and often they are as part of labour. The caring relationship must be built on more than the care shown because of duty, as part of one’s work or family relations, the caring actions cannot only be of virtue, where the intention of good will might be absent. Care must be valued on its own, as justice is valued in itself (Held, 2006, p. 38). This moral theory addresses questions that touch upon all human relations, and thus values the relationships more than other things. With care ethics we must think about caring activities that all people engage in, when they happen and on what terms, what are the phases that people go through when acting in care and so forth.

2.1.1 Care as Virtue

Some of those that have taken part in developing the ethic of care like to think of it as a part of virtue ethics, regarding care as the ultimate virtue. Held agrees that there are many similarities with virtue and care ethics, but she does not agree that the latter should be considered as a part of the former. Some of the similarities are that both want to examine and reform moral values, rather than focusing on reasoning from abstract rules, and both recognize that acts of morality must be shaped and evolve in line with society. But ultimately,

virtue ethics are originated and developed in a patriarchal environment, and for care ethics to be taken under such wing diminishes the feminist thought from which care ethics originates. Care ethics must remain a domain of its own, that both women and men can adopt as a new approach, not merely an upgraded version of a male-dominated field that still might consider care as a characteristic of women to notice. Care cannot simply be noticed to be effective, it must be valued on its own (Held, 2006, pp. 19-20).

Maureen Sander-Staudt shares this view with Held in her article *The Unhappy Marriage of Care Ethics and Virtue Ethics*, where she criticises attempts to merge the two under the pretences that care ethics are incapable of dealing with the issue of justice without the help of other more established theories. It is a re-occurring theme that the ethic of care does not need, nor do its most devoted followers want the support or merge with other moral theories. Sander-Staudt states that:

“...CE [Care Ethics] has the potential of being a more comprehensive moral theory on its own when it is critically situated in social and political contexts, such as sex and gender, and that the addition of feminist ethics (FE) gives CE a second way of dealing with concerns of justice.” (Sander-Staudt, 2006, p. 22)

In fact, it can be traced in various literature about virtues, that care has not been listed among them (Held, 2006, p. 44). This goes to show that the practice of care, and the emotional ability to care or even show compassion, has historically not been regarded as a virtue among men. It seems peculiar then, that when a feminist ethic argues for a moral value of caring, some try to tuck it under the umbrella of male-dominated virtue theories. Virginia Held argues “...that to be a caring person is not the same as to be a person with a virtue we call caring.” (Held, 2006, p. 45). This she explains is seen in that a virtue is a state of character, it is about the individual and the motives behind an action. While the action can indeed have a caring influence on a receiving party, the action is generally not about that relationship. A virtuous person might even see an action to be his obligation. Whereas care ethics is all about the relationship between people, and the moral responsibility that is embodied in those relationships (Held, 2006, pp. 19-20).

2.1.2 Justice in Care

Justice as a moral value is endogenous in the societal system of people. For a society to work, there must be some structures that keeps order and peace, and there must be trust in those structures as well as between people. Justice has values such as fairness, impartiality and

equality in which people base a tremendous amount of trust. The values of justice are also practices, enforced by authorities by the judicial system and police forces for example: actions that are taken with the moral values of justice which society has throughout time agreed upon. They are not virtues randomly shown by individuals working within those systems, they are values that the system requires individuals to show as representatives of said system. Without these values in place, it is likely that trust in the system would diminish.

In the same sense, care is a value that should be recognized as an essential part of political and social institutions. Care is not simply a virtue that individuals should preferably show in certain jobs; it is a value upon which institutions have been built on, seen in caring relations in families, between caregivers and receivers and in welfare programs. Held thus concludes that care is both a practice and a value: in practice, it responds to needs; and as a value, it is seen in trust in caring relations. (Held, 2006, pp. 39-42). Furthermore, she maintains that justice and care can never be completely absent from each other: justice is required in many care-practising circumstances, as well as care being a necessary factor in many fairness situations. But care has a wider scope, according to Held:

“Relations of care seem to me wider and deeper than relations of justice. Within relations of care, we can treat people justly, as if we were liberal individuals agreeing on mutual respect.” (Held, 2006, p. 41)

This can be done in the public domain as much as in the private one, just as a legal system of justice is accepted by the general population. The ethics of care can build relations between people which form a social unit where they care as much for each other’s wellbeing as individual justice. After all, people that make up society must care about justice, they must care about fairness, equality and a system that distributes justice in a consistent way. It is a part of the agreement that makes up a society. The justice morality used in the judicial domain of society rests greatly on abstract thinking, to maintain fairness, and this is not something that the ethics of care seeks to change. In fact, it is obvious that in some domains justice must take the lead. But care morality is needed to maintain a humane treatment, most of all a humane approach in legislation, which the justice arm then follows (Held, 2006, p. 15).

An example of justice in care can be seen in what has been called “the second shift” in political gender theories: the theory that women in the work market work a second unpaid shift in care-work in the home. Held argues that the ethic of care is unavoidably concerned about justice because of the unfair and unequal division of care work in the world. “Femininity” constructs women as carers, contributing to the constraints by which women are

pressed into accepting the sexual division of labour.” (Held, 2006, p. 16). This has been a major political issue for many decades, as it has been long-suffering that women do the care work in the world, with no or very little pay. This continues to be a political battle, and perhaps even worse in the busy 21st-century life, and marginalised women of poor backgrounds are employed by upper-class men and women to do the care work for them. This is a justice issue, and this sort of inequality passes on to other aspects of civil life, as Joan Tronto talks in lengths about when criticising the market-foremost citizen and the dangerous effects it has on democracy (Tronto, 2015, p. 22), which will be elaborated further in the discussion about the *Caring With* democracy.

While victories regarding rights have certainly been vital for the change of social status for marginalised groups Held argues that the most important factor has not been the change in law-making, but rather a change in people’s morality and supports her claim with many feminist legal theorists that see a masculine culture in law-making. The claim is that the law ignores women’s experience and knowledge, and that the changes women seek will happen in societal structure rather than in law-making. Rights need to be “...viewed in the context of social practices rather than in the abstract, (Held, 2006, p. 67)”. Social practices have placed men as the dominant power, which has in return been transmitted into the public sphere of lawmaking. Held also maintains that “...law and its schemes of rights support patriarchy. (Held, 2006, p. 141)” And that traditionally the justice system “...has been more concerned with protecting white men from unjust accusations than with protecting women, (Held, 2006, p. 141)”. As the public sphere has historically pushed women towards the caring role of the private, it has also pushed men into the dominant role, both in the public and the private. What remains is the importance of social movements that recognize the socially as well as politically constructed dominance of men and are willing to resist this construct (Held, 2006, p. 142).

Care ethics concerns itself with the fact that care is indeed about the rights of all people being respected, and for society to care about equality and fairness in justice. Therefore, care and justice cannot replace each other as a value, they both belong in the two traditional spheres of the private and the public. On a global level this requires states to recognize not only the negative freedom of being left alone, as is so favoured in liberal views, but also to recognize the positive freedom towards rights, such as social-economic rights that are stated in the International Covenant on Economic, Social and Cultural Rights (Held, 2006, p. 69). The ethics of care, in a political sense, require that the starting point of all decision-making is with

no exceptions that each person is equal to another, and that each person needs to be cared about and cared for at some point in life and that people, as well as authorities, show moral responsibility for this entitlement.

Held claims “There can be no justice without care.” But “There can be care without justice.” (Held, 2006, p. 17); which leads me to think in terms of what values should take the lead in general. If we look at society as a body, and each limb is a domain with its own set of priorities and values they act according to, care should be the organ that directs the limbs of society.

2.2 Liberalism made possible with Care

For many, it is a difficult task to leave behind the dominant and modern thought of liberalism. After all, it is the foundation upon democracy has been built. But leaving it behind is not necessary for the ethics of care; it is rather necessary to find a way for the two to live together. Held says that “Care has the capacity to shape new *persons* with ever more advanced understandings of culture and society and morality and ever more advanced abilities to live well and cooperatively with others.” (Held, 2006, p. 32) After all, people are not born adults, and they are not born programmed with all their survival knowledge from day one, they must learn it through the care of others.

The ethics of care does not seek to abandon the basic belief of civil rights, or the independent life of people. Neither does it seek to be paternalistic with people’s life’s, it rather wants to show what has made it possible for people to become autonomous and independent individuals, it shows the care that is vital for every person to grow, and be educated, and to become the citizen that employs their radical reasoning in society. Individual liberalism cannot be the only space available in political thought, or even morality according to some people, where people and societies can flourish (Held, 2006, p. 77).

Liberal morality rests on justice theories and favours rational, autonomous thinking. It gives the idea that there cannot be both liberalism and care, that one must be chosen over the other always, it is what many defenders of liberal moral thought argue for: that there is a contrast and that justice must always be the first approach in all matters. Virginia Held does not agree with that and maintains that it is a question of which approach is better in individual cases and that the contrast of justice and care is not always in context with different situations (Held, 2006, pp. 79-80). For example, she mentions different markets that people are supposedly free to use, such as the work market, but poses the question of how plausible it really is that all

people are free to pursue any given career they think of. She does not think so and replies that it implies the absolute equality of economically powerful and the powerless. It doesn't take into context the real situation of society (Held, 2006, p. 81).

Fiona Robinson argues that care ethics could function in an international political theory that could serve as an alternative to liberal theory, stating that "...the responsibilities and practises of care that sustain not just 'bare life' but all social life..." (Robinson, 2010, p. 132), is the direction that international politics are heading towards. According to her, liberalism and the emphasis on freedom and autonomy have dictated political theory and practices for the better part of the 20th century, but liberalism oversimplifies complicated issues. She also considers that the liberal view has controlled what is considered proper politics, thus deciding what is allowed into the public sphere. Care has not been amongst those categories, as it is seen in liberal views that the individual is ever independent from any state interference, but care requires interdependency. But "...a feminist ethic of care denies the ontological distinction between individuals and society. (Robinson, 2010, p. 137)" and challenges the liberal view of autonomy, dependency and mostly power in relationships. Just as in relations between people, where politics happen with a small 'p' described by Joan C. Tronto, relations between states, and within state governments are always characterised by power. There is always some sort of interdependency taking place either between people, or states. So, it seems somewhat senseless to stubbornly maintain that no interdependency takes place in liberal politics.

This does not mean that caring relationships are de facto paternalistic; in fact, Robinson argues that states must avoid paternalistic care in international relationships. Being interdependent doesn't mean that a person, or a government, is voiceless. In light of the historical background of colonialism and imperialism, it is vital that international relations consider the history of previous powers, of both neglect and abuse.

"...Recognition of responsibilities to particular others, and an understanding of the nature of those responsibilities are just the first steps. The next steps involve sustained attention to people not as autonomous rights-bearers but as relational subjects who are both givers and receivers of care." (Robinson, 2010, p. 139)

The ethic of care recognizes the responsibility of the past and puts it in a political context for the future, willing to give up power in an interdependent relationship. Liberal views that look down on human features, such as vulnerability seem to overlook the complex issues that are human relations, where marginalised groups remain on the periphery of the political scope, simply because that is where they have been situated by the dominant theories in politics. By

using critical ethics of care the hegemony of liberalism is challenged, and care is brought closer to the core of politics.

The meaning is not to minimize the importance of legal and civil rights of people, or the progress that has been made in politics for marginalised individuals and groups, with the ideals of liberalism. The meaning is rather to bring greater focus on the important role that care has played in making the individual that has implemented this progress, because "...true autonomy for *all* can only be achieved and sustained in and through fostering societies which value interdependence and acknowledge the vulnerability of all. (Robinson, 2010, p. 142)". The liberal views that were at one time an ideal of personal freedom and equal opportunities for all have rapidly changed towards a libertarian view of 'survival of the fittest', and away from a morality, which cares for the livelihood of society.

2.2.1 A political argument for an ethics of care

Joan C. Tronto is a political theorist that has focused on the influence care ethics can have on democracy. She claims that we, as mankind, need to put care at the centre of our value system. She describes care as meeting needs and always being relational. Not just needs in health professions or child and elderly care. She means all needs, of all beings and nature. Care is everywhere, and we all receive and give care. She also says politics are everywhere, and every relation has some unequal power to it which requires work to come to a satisfactory outcome. Care is crucial in those power relationships.

There are many ways to think about care, but for it to be considered care in a moral sense it must first be thought to be outside of the individual sense of care, meaning it is not simply caring or not caring for thing as in not liking it, and second it entails that there will be an action around the care. A person might not care for something, but it does not require the person to act upon the dislike in a moral way. A person that does not care for strawberry ice-cream will simply not have strawberry ice-cream, it does not become a moral issue unless some other person might want to pass a law that requires only strawberry ice-cream to be sold in all the stores in the state, but that is also an argument better suited for other ethical theories. The meaning of caring for something, in a moral sense, is distinctly caring about the state of others and acting on the care (Tronto, 1994, p. 102). Tronto, along with Berenice Fisher, constructed a definition of care as such:

"On the most general level, we suggest that caring be viewed as a *species activity that includes everything that we do to maintain, continue, and repair our 'world' so that*

we can live in it as well as possible. That world includes our bodies, our selves, and our environment, all of which we seek to interweave in a complex, life-sustaining web.” (Tronto, 1994, p. 103)

This definition is quite broad, and it involves a few features worth mentioning. First, it is not restricted to human beings, the ethic of care must also care for the environment and other things that humans must respect and sustain for the world to maintain itself, it cares about cultures and heritage as it is a part of people’s identity. Second, it does not focus on individualistic or dyadic relationships. The romanticised idea of a caring relationship between mothers and children can prove to be problematic for the political interpretation of the ethic of care, but it also assumes that the caring for children has a natural way of being in the hands of one person, and for another person to receive the care, while historically it has been in the hands of the whole of society. This definition gives way for the social and political role of care. The third feature is that Tronto and Fisher proclaim care being different between cultures and thus culturally defined. The fourth is important and is that care must be an ongoing process, to be very clear on that note it is to say that “...we can recognize care when a practice is aimed at maintaining, continuing, or repairing the world.” (Tronto, 1994, p. 104). Tronto uses this elaborate definition for her argument and refers to care when both the activity and disposition of care are visible. (Tronto, 1994, pp. 103-105)

A more detail analysis of care is offered in Tronto’s four phases of care. The four phases are: Caring about; Taking care of; Care-giving; and Care-receiving. These four phases are interconnected in the process of care, and each has a vital role in the holistic view of care. (Tronto, 1995, p. 142) (Tronto, 1994, pp. 105-108) (Tronto, 2015, pp. 5-6)

Caring about is first and foremost the recognition that care is needed and necessary. While it is culturally and individually shaped, meaning that each person can show that they care about different issues, Tronto makes a point of the possibility to describe the caring about on a social and political level. For example, the care about homeless people in a society, and the political approach to those issues.

Taking care of is a reactionary stage of caring. It contains the responsibility that is taken, by whom it is taken and what the response to the need of care is. In this step, it is vital that authorities, as well as people, assume responsibility for the care that is needed on different levels in society. In some areas, this responsibility rests solely on politics, the funding and resourcing care work; but in some aspects, this responsibility also rests on people voting for representatives in elections. This argument we will return to later. In summary, the *‘Taking*

care of' step is about the agency to allocate the resources required to respond to care needs. To continue with the example of homeless people, this step would need the taking responsibility for ensuring the basic needs of people, housing being one of the top needs for all people and their welfare.

Care-giving is the direct action of giving care. These are the workers, the volunteers, and whomever it might be directly performing the caring act, no matter if the person is being paid to do so or not. A very important point about this step is that the act of giving money to a care-needing person is not an act of care-giving, that is more an act of taking care, as the action of converting money into what is needed to fulfil whatever the need is, is still not done. Staying with the case of homelessness, this step would involve the people working on ensuring housing with the resources provided from the responsible actors.

Care-receiving is the final phase and might not seem like a very important one, but it is the only guaranteed way to know that a need has been met sufficiently. To underline just how important this last phase is Tronto says that "Unless we realize that the object cared for responds to the care received, we may ignore the existence of these dilemmas, and lose the ability to assess how adequately care is provided." (Tronto, 1994, p. 108) It is imperative that a need that is met is not on the terms of the care-giver, it must be on the terms of the receiver. Otherwise, it is likely to produce other needs of the receiver, as well as care-giving is not about pity. It must be humane and respectful of a person's autonomy. At last, a homeless person should have her say in where to live, and if that resource suits their life and so on.

The point about good care is worth noting, because obviously caring can be done both well and poorly. Caring well is a practice, as described by many philosophers. Tronto rests on a description from Ludwig Wittgenstein, that practice has interconnected thought and action that are directed toward some end. Tronto then suggests that the four phases described can serve as the ideal to aspire to for an integrated, and well-accomplished, act of care (Tronto, 1994, p. 109).

When care is practised in a good manner, according to Tronto, it inevitably suggests that the practice is done in a good democratic environment, and that is the same for institutions, as well as for society. She claims there must be three elements in place for institutions to be considered good caring institutions: a very distinct account of power in care relationships; a pluralistic and particularistic at the same time; and care needs to have a clear purpose. Transferring those elements from institutions to society means the terms become as she describes them:

“*politics*: recognition and debate/dialogue of relations of power within and outside the organization of competitive and dominative power and agreement of common purpose; *particularity and plurality*: attention to human activities as particular and admitting of other possible ways of doing them and to diverse humans having diverse preferences about how needs might be met; and *purposiveness*: awareness and discussion of the ends and purpose of care.” (Tronto, 2010, p. 162)

There are dangers in care as a political ideal, and Tronto frequently explains the necessity of avoiding those dangers and how that can be done. There are two issues mainly: paternalism and parochialism. The former can be found in the relationship between a care-giver and a care-receiver. Seeing as care is a response to needs, and that care-givers are often very competent in their role, they might see themselves as better capable of determining the needs of the care-receiver, and thus ignore their opinions. Care-givers might assume their own all-importance and are often in a position to abuse their power, resulting in an unequal power relationship between the two (Tronto, 1994, p. 170). The latter issue, parochialism, is a problem that can arise in both the private and public spheres. The danger is that people that are consumed by their own caring relationships, seeing them as the most and probably the only important care relationships for themselves. Tronto says that there is a danger that “Care as a political ideal could quickly become a way to argue that everyone should cultivate one’s own garden, and let others take care of themselves, too. (Tronto, 1994, p. 171)”. It is not uncommon in political debates to hear issues being measured up in terms of importance, resulting in “what-about-ism” and indifference about the welfare of those who suffer outside the reach of people. Tronto sees the solution to these dangers to be, first that care must be connected to justice, and second that care must be “...relentlessly democratic in its disposition. (Tronto, 1994, p. 171)”. Only then can care be wholly focused on needs and still balance the power in the relationship between care-givers and care-receivers.

2.2.2 Politics of compassion

As has been shown before, traditionally emotions are considered an off-limits topic in politics. The dominant male public sphere has rested on male dominant theories where men are considered independent, rational beings above all, and the emotions have been left for women in the private domain. Not to be seen or heard, and most important not to be taken seriously or factored in on the decision-making level even though this has been under constant criticism for the past few decades. Feminist ethics have been focused on the experience and

epistemological knowledge of women being considered in moral theories, and care ethic especially on the importance of caring relationships between people.

Joan C. Tronto has made good arguments for the use of care ethics in politics and how that may affect democracy, but there is still more to be said about care and politics. Elisabeth Porter makes an argument for the politics of compassion, which focuses on the similarity between the ethics of care and the compassion politics. Porter agrees with Tronto's arguments about placing care in the centre of political thought, but Porter seeks to extend the argument and find what is needed for politics to practice compassion in a wider domain than the one that only reaches the typical caring practices (Porter, 2006, p. 98). She describes what is essentially caring, listening and reacting as a crucial moral part of the definition of compassionate politics.

First, it is important to understand what compassion is. Porter describes understanding compassion as having three major components. First is the 'feeling with' another person, as in being able to situate oneself in that person's shoes and imagine what they feel. Imagine being under siege, imagine having a close family member killed, this is what Porter means as 'feeling with' someone. The second one is feeling empathy. For many it might sound like the same as the first one but feeling empathetic with another person is to identify the experience of the person that is feeling anguish. The third one is the reacting to the former two components, in detail, "Empathy sympathetically identifies with others' emotions, but compassion feels pain and responds accordingly. (Porter, 2006, p. 101)". The three components are summed up in a three-stage process of feeling the pain of others and becoming a co-sufferer, then listening and attending to the needs of the sufferer and lastly responding to the needs. (Porter, 2006, p. 103)

Now that it is clear what compassion is comprised of, Porter applies that definition to political theory, showing what political compassion is. Much like Tronto, Porter is not content with compassion being a non-political issue or the way care and compassion in ethic literature is usually referring to vulnerable groups such as children, the elderly or disabled. She claims that disregarding compassion in political theory is giving way for national security matters being dominated by warfare and inhumane legislation regarding asylum seekers, instead of looking towards a more protective direction, that values emotional safety (Porter, 2006, p. 110). There are also three aspects of compassionate politics, that rest on the moral definition previously given.

The first is attentiveness to the needs of vulnerable people. Contextualizing with the first stage of understanding compassion: “Feeling compassion is a moral prompt to encourage a response to those we know are suffering.” (Porter, 2006, p. 112), showing that paying attention to suffering is the first step for politicians to respond and act. Porter furthermore states that for “...political leaders to demonstrate compassion, they should display the ability to imagine the lives led by members of the diverse groups that they themselves lead.” And that “Attentive ethics in international relations is about priorities and choices.” (Porter, 2006, p. 114). It is not enough to utter words of some care, if political powers do not also show that they understand and are paying attention to the suffering of vulnerable people, in both domestic and global scenarios.

The second stage is active listening to recognise the needs of those who are suffering, with a great emphasis on never assuming to know a person’s needs without listening first to the story of the person. Porter speaks of active listening in terms of a dialogue, and that “Within multicultural democracies, there is a responsibility to listen and respond.” (Porter, 2006, p. 115). She also talks about it being a common practice within women’s coalitions, and in fact it is a characteristic of deliberative democracy which leads to thinking of deliberative democracy as a compassionate way of practising politics. First and foremost, a dialogue with the groups in question is crucial to find an acceptable and compassionate solution to whatever problem is presented. This stage is like the care ethic phase of listening to the receivers of care, to know if the care provided is adequate. According to Porter, what this stage does is affirming the agency of the people in question (Porter, 2006, p. 116).

The final stage is compassionate, wise responses as part of practising politics. There is a tendency with people that live privileged lives in relatively safe communities to “...avoid being emotionally outraged at injustice... (Porter, 2006, p. 117)” because it forces them to act on it. Yet, it might not always be possible to act in every way that people in power want to but practising compassionate politics is a way to make both small and bigger changes over time. Porter describes it as so:

“Political care is the hallmark of a decent society that accepts the moral responsibility to protect the dignity of all citizens and persons within its borders. Political care is the demonstration of compassionate decency by committed citizens, political representatives, and political leaders who collectively strive for an inclusive polity that is a response to people’s needs. (Porter, 2006, p. 116)”

Porter's argument brings the moral thought of care ethics into political theory, showing how politics can be practised with compassion in mind, making a point of global responsibility of the authorities and the responsibility of active citizenship of people.

In the next chapter, I will review some theories of democracy and representation. My intention is to show how the influence of care ethics as a moral theory is visible in democracy theories, and how it has the potential to radically shape democracy. I will review some theories on the importance of representation and make a case for why women's presence in the political sphere is likely to influence a more caring democracy.

3 Democracy theories

I want to highlight the importance of representation in politics. Women's representation is likely to carry with it a more caring morality, compassionate politics, and women are more likely to identify with marginalised groups. The voices of women are therefore very important in the political sphere. When discussing representation in politics, it proves difficult to avoid falling into the trap of essentialism between men and women. Even though the early stages of the ethics of care were somewhat essentialist regarding women's caring nature, the goal is not to show them as having a superior morality that is unattainable by other people, it is quite the opposite: the goal is to show how a caring morality is attainable by all people and should be applied in political theory by men and women alike. To address the essentialist angle often associated with the ethics of care, I will review some literature on the matter.

There is an argument that maintains that caring does not belong in the public sphere, because it has been considered an essential feminine trait, belonging to the private. The aim is to show that caring is not solely a feminine aspect, but it is a socially learned behaviour that historically has been attributed more to women, which have also historically been placed in the private sphere. Caring is a human aspect, necessary for all societies. But because it has been predominantly attributed to women by socially constructed methods, the caring morality is more visible in their political practices. For that reason, a diverse representation of women is necessary in the political sphere.

3.1 The system of representation

In this chapter I want to first and foremost show the difference of representation of the two binary sexes, to strengthen my argument that a feminist ethic of care might radically transform democracy. Showing how representatives of descriptive groups tend to focus on issues that are important to a broader spectrum of groups, and that trust between constituents and representatives is vital in their relationship. For trust to be established, a caring deliberation must take place.

Historically speaking, marginalised groups have had to fight an unjust and difficult battle for their basic rights. Furthermore, historically speaking, most of the unkind, inhumane, and exploitative acts and behaviours towards marginalised groups have taken place under the rule of men. It should then not be a surprise that in today's democratic world, people prefer voting for a person that can relate to the difficulties of groups that still struggle in society.

The political sphere is still a male-dominated field in most countries, and it is still a constant fight for women to get ahead in politics. Some might argue that the typical male politician is indeed capable of representing all of his constituents with different backgrounds and experiences, while others do not agree with that view and prefer a more descriptive representation (Miller, 2003, pp. 103-104). Jane Mansbridge describes a descriptive type of representation where the representative might stereotypically look like the group she is representing. This also applies to experience: shared experience and a common background in life and work is a factor that often matters to people when voting for their representatives (Mansbridge, 1999, p. 629). She defines four functions that might explain why people would want a representative that can identify with the group. Two of the functions regard the subject of trust, and that the prerequisite for a good deliberation between representatives and constituents is that a certain amount of trust must be established.

Mansbridge describes how past relationships of dominant and subordinate people can hinder a good deliberative relationship in the future, which leads to powerless people rather seeking representation in others like them. Furthermore, “representatives and voters who share membership in a subordinate group can also forge bonds of trust based specifically on the shared experience of subordination. (Mansbridge, 1999, p. 641)”, showing how the morality of care is visible all over the political system. The point about experience stretches further in Mansbridge’s argument in the second function she describes: that of when issues have not been fully crystallised. Then it is likely that people with similar backgrounds have similar interests and thus it is easier for voters to trust their descriptive representative to make decisions that work in their interest. Mansbridge claims that “On the many issues of gender, for example, ..., descriptive representatives are, other things equal, more likely than non-descriptive representatives to act as their descriptive constituents would like them to act. (Mansbridge, 1999, p. 646)” This does of course not mean that deliberation shouldn’t take place between the two actors, voters and politicians; communication must always take place.

The other two functions Mansbridge describes are benefits of descriptive representation in a social context. She maintains that for groups of marginalised people, that in the past were not seen as fit for the public sphere and were second-class citizens, seeing their representatives encourages change across the field. Finally, she also states that legislation made by a wide spectrum of people is more legitimate than other legislations (Mansbridge, 1999). While the first work made in the field of care ethics described what is often seen as essentialism between the two sexes, it has been widely accepted since then that the care morality is not one

just for women, it is a moral perspective that all people can adopt. So, women representing women cannot serve as the utopian end goal since there are many intersections within each group. The ethic of care sees the inclusion of marginalised groups in decision making as one of the most important factors to establish a caring society, and descriptive representation is likely one of the most effective ways to accomplish that. Instead of focusing solely on gender in representation, we must focus on representing class, race, ethnicity, and gender with a caring goal in mind.

3.2 Different Faces of Democracy

I will be describing three models of democracy: liberal, republican, and deliberative, supported by the analysis of Nikolina Jožanc. Arguments for descriptive representation often appear to rest on essentialism of genders, a theory that women and others have avidly tried to fight against. Her aim is to avoid the essentialism, while at the same time maintain that there are differences between the two sexes talked about, and that the differences are a cause for gender parity in representation.

Jožanc describes liberal democracy as having two goals: to promote private interests of voters and for the government to attain societies common goals. She maintains that liberal democracy needs more deliberation. She sees the handling of political issues as clear-cut treatments, some sort of a flow production that doesn't allow for any delay, such as deliberation between people. Politics are about representing private interests of people in the system, and there are private interests of women, so it seems natural that women represent those interests. Jožanc raises the question of intersectional differences in interests, seeing that all women do not have the same interests, and often the more privileged women have better access to enhancing their interests, while the powerless are forgotten in many ways. The notion that women are more capable of crystallizing issues, as Mansbridge's argument goes, overlooks the differences that exist within the group of women, which goes to show that all women are not essentially capable of representing all women (Jožanc, 2011, pp. 9-10).

The republican democracy system is much like the liberal one but adds another important factor to the market and state bodies of democracy, which rests heavily on the essential difference between the two sexes. In a republican model of democracy „Citizens are understood as members of the ethical community who are aware of mutual dependency... (Jožanc, 2011, p. 10)“ and women are considered to be “more cooperative, oriented to avoidance of conflict and devoted to reaching an agreement. (Jožanc, 2011, p. 11)” as well as

having different ethical values as men. This argument generates from Gilligan's theorizing of the ethics of care and is a path to the essential difference and the "mothering" aspect of the theory. Jožanc does not consider it to be so simple and continues to argue in the direction of Tronto claiming that the ethics of care do not imply that women have a unique morality unattainable by others. She claims that the morality frequently seen in women has more to do with the lack of power they have experienced, rather than their mothering role in the private sphere, and thus tying women together as a socially marginalized group (Jožanc, 2011, p. 12). Realizing the differences within the group of women, yet the sameness of overall social status rules out the essentialism that supposedly accounts for the differences in moral thinking.

Jožanc relies on Habermas' descriptions of deliberative democracy, trying to combine the liberal and republican models. The deliberative system holds on to the borders of the society and the state as well as "...the understanding of democracy as the institutionalization of the public use of reason. (Jožanc, 2011, p. 12)". Rather than looking at the individual as the autonomous, self-interested actor in the model, the citizens as a whole take part in the process of deliberation, thus "Deliberative democracy depends on the institutionalization of procedures and conditions of communication while its normative content lies in the very structure of communication. (Jožanc, 2011, p. 12)". It is not just how many people were originally behind some decision, that supports the action that follows, it is how those people came to the decision that is the pillar of the deliberative model of democracy. For deliberation to showcase the variety of people in a society, they must be represented. Subsequently, deliberative democracy does rest on the difference between men and women, but Jožanc notes that it is possible to account for the difference without depending so much on different values but rather on different perspectives arising from distinctive social positions. This leads again to the fact that not all women can hold the perspective of all other women, but deliberative politics do aim at hearing and acknowledging the views of others.

According to Jožanc, it is quite possible to find the democratic model where women are represented adequately, even though it might be a delicate process. After all, the hierarchy of society is deeply rooted and shows a clear bias toward the more educated and articulate, and even with the best intentions it is easier said than done to eliminate this bias. Another problem often mentioned with deliberative democracy is the goal of communication, which is most often to reach some consensus regarding specific issues. The danger is that larger, more privileged groups come to dominate the discussion and the interests of less advantaged groups stay marginalized. To combat this problem, Jožanc believes it is important not to keep

deliberation tied to one arena, such as the public one, and to stay open to alternative ways of communication. This would give women as representatives a way to not only be bound by deliberations in the traditionally male dominated arena (Jožanc, 2011, pp. 13-14).

Jožanc concludes that the difference argument is necessary for arguing for gender parity in representation, but it is in no way necessary to rest on essentialist arguments while doing so. She states that the difference does not lie in different values or even interests but rather in "...women's social and structural position... (Jožanc, 2011, p. 14)" and when it is placed in a "...deliberative democracy frame, it adequately deals with the issue of legitimacy. (Jožanc, 2011, p. 14)". When considering the four phases of caring introduced by Joan Tronto, along with the three elements of compassionate politics, it is quite possible to practice a deliberative democracy where everybody involved is heard, and respected.

3.3 Tronto's *Caring with Democracy*

Tronto upholds the argument that for a radical transformation in democratic exercises, a radical change in the foundation must happen first. The focus of justice must shift from individual freedom, to social economic freedom, and responsibility must shift from independency to interdependency: a shared responsibility for care. She supports her argument for an ethic of care as a framework for radical change in democratic models, with the outline of moral boundaries in a historical context and with the four phases of caring.

Tronto speaks against what is called women's morality; a term often used to describe the ethics of care. To challenge this view, she outlines three boundaries she recognises in society. These boundaries have been in place ever since liberal political thought began to settle and Tronto maintains that these boundaries have shaped what is often considered to be women's morality, since the contribution of women to political discourse did not happen until after these boundaries had been firmly established. The first one is *the boundary between morality and politics*, but Tronto describes it as, "Either politics becomes a means to achieve moral ends, or morality becomes a means to achieve political ends. (Tronto, 1994, p. 8)". The notion is that there can either be one or the other, and they do not serve the same cause, which is ultimately a good life for each person. The political sphere has mainly served as an instrument for advancing peoples interests in pursuit of that good life, but care has remained steadily in the private sphere, which has resulted in care not being taken seriously as a political issue. Tronto argues that care can serve both the political and moral realm, as a moral value as the basis for political decisions in the pursuit of a good society (Tronto, 1994, pp. 7-9).

The second boundary she describes as the “*moral point of view*” boundary, it is rooted in the abstract way of thinking with reason and a disinterested manner. It leaves no flexibility for context, circumstances or experience, which are all important aspects of the ethic of care. According to Tronto this boundary “...makes us immediately suspicious of an ethic that starts with people’s engagement with others... (Tronto, 1994, p. 178)” as such engagements corrupt the rational moral process of autonomous individuals. Furthermore, if morality has a place in the political arena in the first place, this boundary sees “women’s morality” (if there is one) as secondary and irrelevant (Tronto, 1994, p. 10).

The third boundary is the one between *public and private life*, which ties women to the latter one. This boundary has and still does constrain public matters to the liberal view of self-interested political practices, eliminating matters of the private life. As a result, the boundary continues to diminish caring activities and exclude women altogether from public life. Tronto does not want to argue for the abolition of these three boundaries, as they are an important factor in many aspects of modern political life, she merely seeks to shed light on how they affect the way women have been able to partake in political and moral discourse (Tronto, 1994, pp. 10-11). The fact that much of women’s perspectives did not start to gain momentum until after these boundaries were set in place is what perceives “women’s morality” as women’s but not simply a human one.

By reviewing the writings on the morality of 18th-century thinkers, Tronto has shown that by the end of that century, these boundaries were in place, and with major social changes, sentimental morality had been attributed to women and the household, out of the public sphere. She has placed the development of “women’s morality” in a historical context, unmasked the essentialism surrounding it by arguing that in the 18th century, Scottish philosophers of the enlightenment were considering the importance of relationships in terms with morality (Tronto, 1994, p. 57).

Tronto suggests that with practising care in political life, people will become better citizens in a democracy. In her extensive writing about the ethic of care as a political argument, she frequently writes about the intersections of gender, class and race in terms of the power-relations that people of marginalised groups must deal with, as the overwhelming majority of those attending to care-giving in society. This is one of the ways that the interdependency of care and politics is visible and shows why care and politics cannot be separated. Care has also been marketed and is a commodity that not everybody has the privilege of receiving. This results in an even greater power correlation since relations always contain politics with a

small 'p', and they exist in every society. There is always someone receiving the care, and it varies between what kind of care is being provided who holds power in each particular relationship. This leads to the fact that care inherently contains inequality (Tronto, 2015, pp. 11-13).

Tronto also views democracy as a marketed system where inequality thrives, but she maintains with the four phases of care this can be reversed. Democracy and care are dependent on each other: for one to thrive the other must as well. Let us revisit the four phases previously covered in chapter 2: Caring about; Caring for; Care-giving; and Care-receiving. These four phases can be compiled in certain moral qualities preferable for people to attain in caring democracies. Caring about has people being *attentive* to other people's needs and caring for makes people adopt *responsibility* as well as noticing where responsibility is being taken. The second two are care-giving which relies on people being *competent* at their skill, as well as acknowledging when competence is present, and finally, care-receiving makes people *responsive* to the care they get. Tronto concludes that "...a functioning democracy is full of people who are attentive, responsible, competent, and responsive. (Tronto, 2015, p. 8)".

But Tronto does not consider these attributes sufficient on their own to radicalize the marketed democratic system that is in place. Therefore, she adds another phase which does not look to the individual moral qualities that she finds desirable in a good citizen. The fifth phase is about the entire community, where they *care with* each other, where they see mutual benefits from the caring society and new levels of trust are established (Tronto, 2015, p. 14). The goal in such a democratic system is what we are very familiar with, equality and justice, but on different terms: caring terms. Tronto puts forth a new definition of democracy to crystallize the vision:

"Democracy is the allocation of caring responsibilities and assuring that everyone can participate in those allocations of care as completely as possible." (Tronto, 2015, p. 15)

Changing society to a caring democracy is no easy task, Tronto realizes, but there are steps that people can take towards it, first and foremost is to work against the exclusion that often surrounds those who do the care-giving work, or those who receive care on a welfare level. Tronto writes about a concept she calls the market-foremost citizen and democracy and claims that working toward a more inclusive democratic process and against the market-foremost democracy is one of the most important tasks at hand. The market-foremost democracy is more concerned with the economy than the welfare of people, and the market-foremost citizen

values time most of all. For professional workers and the more privileged it is easy to buy time by employing less advantaged people to handle their care-work for them so eventually "...a market-foremost democracy creates an undemocratic, uncaring hierarchy among citizens. (Tronto, 2015, p. 25)". Tronto says that the first step in the direction of a caring democracy is to start caring about care, and to start caring about the allocation of care. This is not to say that employing people in care-giving is unacceptable—quite the contrary. But Tronto does claim that the people who are giving the care must have more to say about the work being done in the care-giving institutions for example. The most radical change that must happen is a coalition between the people and the political arena, a coalition between the private and the public so to speak. People must move towards being caring-citizens, and for such a radical change to happen, the political arena must change as well.

For people to start caring about care, they must also stop excusing themselves from the responsibility of caring and realize that it takes time to change. Tronto speaks about four changes that are possible for people to make in their institutions of the private sphere, that should also be put in place in public institutions. These changes describe the care-foremost citizen, which would lead to the care-foremost democracy. The first thing Tronto mentions is pluralism. Society is diverse, and people have diverse needs in care, thus it is natural that all this diversity is seen and heard and taken seriously. The second thing is switching perspectives, from thinking only about what we want to what others want as well, this point can be seen in the fourth phase of caring: listening to care-receivers. The third point is recognizing diversity and ubiquity of caring needs, the needs are many and different and are all as important. The fourth change needed is acknowledging the complexity of care, and that care-giving is not a simple heroic act. It is much more multifaceted and involves deliberation among everybody involved in the care that is given (Tronto, 2015, pp. 34-35).

These changes that people can make are but one factor in the road towards a caring democracy, they would play a part in flattening out hierarchies resulting in a more diverse perspective in decision making at all levels, thus enhancing their legitimacy. Placing care equal among other values in society, such as justice, freedom, and equality, is vital for these radical changes to take place. Tronto states that in a truly free, just and equal society, people are free to care, but not bound by limitations of the market. Furthermore, she states that care is not a tool to support the economic market, it should not be a commodity justifiably sold to those that can afford it, as such a system sustains inequality, but a truly democratic society cannot be an unequal one (Tronto, 2015, p. 39).

A caring with democracy will result in better citizens for society, but an even more important point is that better citizens will direct the political sphere towards the public discussion of needs. A society that takes care as seriously as other core values would engage in deliberation, not only as individuals pursuing individual goals, as the market-foremost democracy will have them do, but also as people with common goals and interests. Placing care in the political sphere would recognize the importance of power relations and the connection of race, gender, and class, and the inequality intertwined with these factors of society. This is not to say that there will be no conflict, or that people must ignore conflict and inequalities, there will be conflict, but it must be dealt with in a caring way, with open and diverse deliberations (Tronto, 1994, pp. 168-169).

In conclusion, placing care in politics as a moral value is a radical approach because it defies all norms and what has been accepted as an unalterable natural state of things. An open dialogue is vital for democracy to flourish and serve its purpose. Additionally, placing the ethics of care in politics creates compassionate politics, where caring, listening and reacting is key. Deliberative democracy if practised well can do just that. Politicians must be willing to adapt to the caring framework, they must listen to different perspectives and react to the conclusions of deliberations. Making these changes could very well radically change democracy and make it stronger. A healthy democracy is when the populace steers the politicians, but when politicians do not listen to the populace, it is a sign of a broken democracy. In the next chapter, I will review the foundation of the political sphere to recognise how constitutions can affect the relationship between the public and the governance.

4 Constitutions

The purpose of this chapter is to show how constitutions affect all aspects of law-making in society, as well as people's perspective of their own empowerment in the public sphere. Constitutions are not only a document with the written word of the law, it can also set the tone for the values people choose to honour in society. It can be seen quite clearly with the constitution of the United States of America, where it is quoted frequently when discussing the basic rights of people. The founding fathers of the United States envisioned a republic democracy, where the constitution serves as checks and balances to prevent the abuse of power by any one branch of government. The International Bill of Human Rights has two separate covenants that cover political rights and socio-economic rights, respectively. The latter being more controversial when discussing basic rights but clearly includes a caring aspect. More recent examples, where women were involved in the making of constitutions, show a greater concern for care as a value playing an equally important role as justice. I will review some of these examples in this chapter.

4.1 Socio-Economic Rights and Political Rights

The goal here is to show how caring values are visible in the International Bill of Human Rights, a document written when the emancipation of women had come a long way in large parts of the world, and how these values are visible in constitutions written in the past 50 years, and in the way the public tries to practice compassionate politics to a greater extent.

The universal declaration of human rights was established in 1948, and later the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1966. These three make up for the International Bill of Human Rights, and even though states are not obligated to become parties to the bill the values put forth in the covenants have become prevalent and influential to the values of both individuals and states. The bill of human rights obligates states to ensure the various rights of their citizens (OHCHR, 1996-2018). It was thought to be not only as a legal matter, but also, after the world learned of the Holocaust in the second world war, a matter of a moral principle. The human rights act doesn't only cover various political rights, but also economic and social rights. Not all people see the Human Rights Act as a universal legal code, and there is no consensus on what counts as human rights, which resulted in the two different covenants. With care being as central in legal matters as justice is, these two covenants would be equally important in the respect for people's rights.

My aim is to show how the influence of the covenant of socio-economic rights is visible in the care ethic, and how it may have influenced more recently written constitutions, with a greater emphasis on social welfare than before. It is important to remain objective, and not slide into cultural imperialism when discussing universal human rights, Virginia Held claims that liberal feminism has been too occupied "...on applying universal norms of equality that they, too, have failed to appreciate the different contexts in which they seek to rescue women from what they see as intolerable conditions. (Held, 2006, p. 164)". Care ethics seek to be inclusive for everyone, and always be attentive and caring about all needs and opinions of those involved. Chris Armstrong approaches the topic very neatly. He describes two common ways of justifying human rights. The first method emphasises the personhood of people, and that people can make choices for themselves, regarding their way of attaining the good life, which is by no means necessarily defined the same way in all cultures. To be able to pursue the good life people need protection. Authorities are meant to protect the right of people to seek the good life they desire. Armstrong maintains that the claim that people's values are basic human values, is truly a rightful one; he says that "The ability to make basic decisions about your life is not a culturally specific value," (Armstrong, 2012, p. 114). This claim is in harmony with what is seen in the four phases of care that Tronto has outlined: that all people should have the ability to make decisions about their own life.

The second approach Armstrong describes is about basic human needs. In that sense, it is key to separate basic needs from societal needs, because the latter differs between cultures. To be able to stay away from imperialism, this distinction is crucial. Armstrong relies on the work of David Miller, who has examined human rights thoroughly and has put together a list of basic needs for the survival of people. This list includes 'food and water, clothing and shelter, physical security, health care, education, work and leisure, freedoms of movement, conscience and expression' (Armstrong, 2012, p. 115). According to Miller, these are needed by all people, no matter the economic situation of their state. This list is quite extensive and widely agreed upon.

Those two common approaches are adequate for the justification of human rights. Human rights do not only cover our political and civil rights, which are fundamental and can be called basic to the core, but also the rights described by Miller as basic rights and can be called the right to subsistence, which includes basic socio-economical rights (Armstrong, 2012, p. 119). Held also upholds this argument, that welfare rights need to be considered as basic rights, equally with the rights of justice and that "Against the traditional liberal view that freedom is

negative only, we would recognize the positive rights of persons to what they need to act freely. (Held, 2006, p. 69)”

It is easy enough to say that persons have the human right to be left alone by others and not to be persecuted by authorities. It is the negative duty of governments and society, to not break these fundamental rights. But the right to subsistence raises positive duties, of providing the necessary goods; and for many, this is a much more controversial duty to lay on authorities. But as is sharply pointed out in Armstrong’s arguments, negative duties do not require non-action of the government. It is rather the opposite because the right to security requires, for example, the establishment of a judicial system and a police force, and the same can be said for the right of civil action, as in elections, where the authorities must hold them and make them accessible. Therefore, both basic political rights and the rights to subsistence are human rights that require negative and positive duties to be upheld by authorities, and thus there is no plausible excuse for the human right of subsistence to be any less than a basic political right (Armstrong, 2012, pp. 120-121). For the ethic of care, positive and negative rights play the same role in securing people’s rights, freedom and welfare, because without one there cannot be any of the others.

To conclude, universal human rights contain the basic political rights of all people, and the right of subsistence, which entails the right to, and inadequate measures fitted for each culture, food, water, shelter, clothing, education and healthcare. Governments have the duty to uphold those rights of people. The matter of penalties if those standards are not met, is a different issue though. There are of course examples of states intervening when human rights violations are severe, but in general, it is thought that each nation must aspire towards these rights, and then especially the rights of subsistence, while breaking political rights is in general thought to be a more serious matter. This view is in line with the two International Human Rights Covenants. Caring morality is rich in the covenant for socio-economic rights, and its influence can be seen in constitutions written since then. We must still examine further what a care-based constitution entails, and how such a constitution can be created.

4.2 Criteria for An Ethically Care Based Constitution

It is easy enough to speak vaguely about caring values, for the convenience of one’s argument. We will not continue that line here, but rather collect some of the descriptions of care ethics theorists to describe what can be categorised as caring values in constitutions. We

will not maintain these values to be women's values or morality, but still it must be admitted they draw their origins to what is often referred to as feminine values of the private sphere.

David Miller defines the purpose of a constitution as the protection of rights for all citizens. They serve as a safety net in a democratic society, both for citizens as well as for representatives in governments. He explains the latter in the workings of a government: a constitution should ensure the majorities concerns for the minorities issues. He maintains that the key is public discussion and a mutual respect within the two groups (Miller, 2003, pp. 50-53). Early writings of constitutions neglect the presence of women, and other marginalised groups of lower classes for example, which is self-evident in the basic political rights unattainable by those groups for a long time. Mary Wollstonecraft frequently wrote criticism about the neglect and oppression of women in constitutions, both of law and society (Sapiro, 1996). Drawing from that thought, I would claim that a constitution certainly does not only serve as the letter of the law, but also as a set of moral values the public chooses. A public that has adapted the caring morality, and a public sphere that works within the caring framework, is likely to want such values in the basis of the societal structure. Furthermore, constitutions written in more recent times are more likely to show these values.

Rita Manning sees care as a virtue that guides interactions between people as well as having a role in social policy, institutions and practices of law. According to her Care ethics focuses on four main processes: moral attention, sympathetic understanding, relationship awareness and harmony and accommodation. Practising these values will result in communities where all persons can flourish, and fight against any oppression towards marginalized groups that might take place (Manning, 2015, p. 129). When making a constitution, these values must be present, but not set in stone. Manning maintains that "Those who see the constitution as a living document which provides a blueprint for resolving our current problems would be much more likely to find care ethics congenial." (Manning, 2015, p. 132). As law theory can be conservative and unbending in its practices, Manning finds that the ethic of care would prove very beneficial for understanding the importance of community and relations between persons. The nature of the ethics of care, with the focus on trust in relationships, mutual respect in communication and active listening to the voices of marginalised groups, does certainly imply that a radical change in politics could take place.

Politics are often referred to as a game, and even equated with war, where all is fair as it goes in an old saying. For many, this is an accepted way of how things are, and modern politics generally consist of competition between politicians where power is the price, resulting in

neglecting issues that will not get them the majority. According to Maurice Hamington, care will transform this game by reconnecting the public and private sphere and changing people's relationships with both. He describes the ethics of care as a performative theory of social actions and being (Hamington, 2015, p. 274). Games have rules, and some moral boundaries that most try to abide; there is an understanding amongst those playing that is based on trust and respect, and even if those boundaries are neglected the consequences are not significant for society, while in politics they are. Regarding politics as a game carries with it a disregard for the wellbeing of people and society. Having a caring constitution would serve as a boundary for politicians that care more for their own advantage and power, than of society's.

Virginia Held maintains that before rights can be protected, there must be some basis of caring for rights: a social connectedness that can be seen in civil society, both in the private and the public sphere. She argues that civil organisations in the private sphere can serve as a basis for political institutions and public life, by transferring civil virtues and caring values between the two spheres. The protection of rights is often portrayed as a completely individualistic interest, built on the fear of people receiving unfair treatment themselves, so it is in their best interest to treat others fairly. In fact, Miller mentions it being one of the reasons for the need for a fair constitution, as a safeguard for people on opposing sides in policy making to treat each other fairly (Miller, 2003, p. 53). Held argues that civic virtues are rather based on the caring morality in society and maintains that "We ought to respect the human rights of all persons everywhere, but first of all we ought to develop in everyone the capacity for and the practice of caring about all others as human beings like ourselves. (Held, 2006, p. 125)" This claim expresses the view of dependence and interconnectedness that the ethic of care sees in all human relations. In many cases, citizenship is not sufficient to build a joint civil entity, and more needs to be done for marginalised groups to feel as part of the democracy in society, and for diversity to be represented.

The values for a civil society found in the ethic of care, are obvious in the caring relations of the private sphere and can easily be transferred to the public sphere. To begin with, it is important to value persons as distinct and singular beings, rather than "...instances of abstract rational beings... (Held, 2006, p. 130)" and in civil association citizens will develop caring attributes such as listening attentively to others opinions and respect for the needs and experiences of others, this is required for the association to thrive and needs to be a part of the public discussion in a democracy. In the private sphere, the ability to care and trust is developed between people, but members of societies must develop this ability on a wider

scale, in order to "...recognize them [all members of society] as also members of the same society. (Held, 2006, p. 135)".

She sees the caring relations of trust and respect as the basis for a wider network of relations where issues of rights and justice can be deliberated. Political rights and fair treatment are issues that most people are concerned with, but these issues are a concern *because people care* in the first place. There is a presumed background of social solidarity and relations, and in a caring society these relations will lead to activities that reduce political conflicts and coercion (Held, 2006, pp. 136-137). In civic associations where people come together for various purposes, a community is built, and in such a community a set of civic virtues are developed, such civic virtues must be transferred to the public sphere of democracy for it to flourish. Held concludes that social connections are the premise for justice and fair rights to be reflected in constitutions (Held, 2006, p. 129).

Let's reconsider the definition for a caring morality by Tronto and Fisher:

"On the most general level, we suggest that caring be viewed as a *species activity that includes everything that we do to maintain, continue, and repair our 'world' so that we can live in it as well as possible*. That world includes our bodies, our selves, and our environment, all of which we seek to interweave in a complex, life-sustaining web." (Tronto, 1994, p. 103)

For constitutions, special significance should be placed on activities that will sustain the world we live in, whether it be the environment or communities of people. Tronto's definition, along with these arguments for a caring civil society made by Held structure what we will consider a basis for a constitution that values care as much as political rights and justice.

5 The Caring Constitution

Today where constitutions are being written for new democracies, caring values and gender equality are not overlooked. This can be seen in the constitution of the young state of Timor-Leste, where much attention is placed on protection of the vulnerable and an article about gender equality can be found, in both the public and private sphere: “Women and men shall have the same rights and duties in all areas of family, political, economic, social and cultural life. (Timor-Leste, 2002)”. The constitution protects the usual political rights and freedoms necessary for a democratic state, but additionally it protects the right of nature, the social-economic rights of citizens, and recognizes the need of care of all nature, for all citizens. Another example can be found in the war-torn area in Syria: Rojava is a Kurdish ruled state combined of three areas; Afrin, Kobane and Cizre. What is remarkable about this fight for independence is the role women play in the state. In recent years, a charter of a social contract was written and passed as a provisional constitution. The charter features a radical democracy that promotes the care for children and elderly, enhancing women’s liberation in several articles, and abolishment of the death penalty. The document is inspiring in many ways (International, 2016) (International, n.d.) (Project, 2015).

It can be argued that there are two main reasons behind writing such radical constitutions. First the fact that in states where war, death and oppression have been overwhelming, it might lead to a greater realization for the need for care, thus enhancing the morality of care and the demand for social-economic rights. The second reason could be related to the previously discussed social-economic human rights. Whatever the reasons for the care-based constitutions of these two young states, the caring factor is visible. We will continue reviewing constitutions in this chapter but moving to the north to two islands in the Atlantic Ocean: Iceland and Ireland.

The case of Iceland is interesting because when the country gained its independence in 1944, it adopted the constitution of their former rulers in Denmark, making little to no change and with intentions of writing a new constitution in the future. After a major financial crash in the economy, a process was set in place for a new constitution to be written, which resulted in a finished document, a new constitution, that was accepted by the public in a referendum but has yet to be implemented. I will consider some features of the old, and the new constitutions of Iceland and argue that the new one has more caring values, and by passing it in a public referendum the Icelandic nation showed the will to adopt a new caring morality in the public

sphere. What I will focus on regarding the Irish constitution is the article that states all amendments done to the constitution itself must go to a public referendum for approval by the Irish public. This amendment proves to be very empowering for the citizens and might be the cause for the practice of compassionate politics within the private sphere, which the public sphere must heed.

5.1 The Case of Iceland

Even though the constitution of Iceland has been amended a few times from the time it was accepted in 1944, none of the changes have been radical in their nature. The constitution has many faults and fails to protect the rights of the Icelandic people sufficiently, and ever since 1944 authorities have frequently made promises of a new constitution that have always been broken.

A specific problem regarding the current constitution is the allocations of fishing rights. In fact, in 2007 the United Nations Committee on Human Rights stated that the discriminations regarding the natural resources of the country were a human rights violation, and that authorities should rectify the situation immediately. The government responded with the promise of a new constitution “...that would define Iceland’s natural resources as the common property of the people, (Gylfason, 2017, p. 21)” but has yet to keep that promise. Another issue is the weight of votes in elections. Several changes have been made in the constitution to adjust the representation of rural areas in the Parliament, and this has resulted in the overrepresentation of some areas and a highly unequal weight of percentages in the voting model. With the votes of some citizens counting as much as twice as much as the ones of other citizens. Thorvaldur Gylfason points out that this “...has in recent years led external election monitors to state repeatedly in their reports on Iceland that unequal voting rights on such a scale constitute a violation of human rights. (Gylfason, 2017, p. 15)”.

After the economic crash in 2008, a new government was formed that took several steps towards making a new constitution. It was evident that the public’s trust in the authorities was not in place, so the process was placed in the hands of others. I will not detail in length what measures were taken, but in short, a National Forum of 950 people took place, randomly selected from all citizens over the age of 18, for a day of deliberation. The conclusions of the day were mainly two: “...(a) that a new constitution was needed and (b) that it should include provisions on equal voting rights and national ownership of natural resources, among other things. (Gylfason, 2017, p. 22)”. The following year, 25 representatives were elected for a

Constitutional Assembly, which role was to compose the new constitution. This assembly was comprised of women and men from different backgrounds and social status, representing the diversity of the society.

The assembly respected the conclusion of the national forum in their work, as well as considering national polls that all showed overwhelming support for a new constitution with special emphasis on those reforms (Gylfason, 2017, p. 23). Furthermore, some important changes were made that both empower the public, and place before absent checks and balances for authorities. Gylfason says that “In addition to key provisions concerning equal voting rights and national ownership of natural resources, the bill also features important new provisions on environmental protection, electoral reform, increased use of national referenda, the right to share sovereignty with other nations, the appointment of public officials, including judicial appointments, and more.” (Gylfason, 2017, p. 25)

The new constitution was formed into a parliamentary bill, that would need to be passed twice, due to the current constitution, which has yet to be done. The process has been described as innovative and empowering by academics around the world, and often looked at as something to aspire towards. The constitutional bill still meets opposition, mainly in parliament itself where politicians refuse to ratify it and respect and empower the people of Iceland. Gylfason describes the political atmosphere in Iceland as frustrated, privileged politicians that wish Parliament to have complete power, showing their poor attitude towards democracy (Gylfason, 2017, p. 30). Polls have frequently shown that the public’s trust in the Parliament is extremely low (Gylfason, 2017, p. 33), which cannot be a surprise considering the authorities behaviour and continuous broken promises to the public. The opposition to the constitutional bill is based on political disagreements and the game politicians play, in order to maintain their power, this mentality along with the lack of trust in the authorities is precisely the danger posed to democracy in Iceland (Gylfason, 2017, p. 38). There is much evidence that corruption within the political sphere in Iceland is widespread and has affected the process of the constitutional bill, it can be seen both in financial support for two of the most opposed political parties (Gylfason, 2017, p. 21) and in outside corruption measurements (Gylfason, 2017, p. 37).

The new constitution has noticeably many caring aspects, both for the environment and for the citizens. It is inclusive in its language and ensures many of the basic social and economic rights that are discussed in the United Nations covenant. The caring morality is visible as early as in the preamble of the document, uniting the citizens in a *caring with* mentality: “We,

the people who inhabit Iceland, wish to create a just society where every person has equal opportunity. Our diverse origin enriches our society and together we are responsible for the heritage of generations, our country and its history, nature, language and culture. (Council, 2011, p. 2)”. Additionally, there are articles ensuring equal rights, human dignity, right to security against sexual violence, social rights, the rights and care of children, protection of nature and animals, along with a great step in the empowerment of the citizens: the bill states in article 113; “When the Althing has passed a legislative bill to amend the Constitution, the bill shall be subjected to a vote by all the electorate in the country for approval or rejection. (Council, 2011, p. 25)”. A further action is taken towards checks and balances with article 2 that clearly separates the three branches of government, Gylfason notes that the two articles mentioned above reflect “...the understanding that constituent power belongs to the people while Parliament exercises legislative powers that must serve the people (Gylfason, 2017, p. 18)”.

The events in the years from 2008 show that the people in Iceland are willing to develop a caring morality and practice compassionate politics with an emphasis on deliberation and inclusivity. But the history of constitutional changes and the opposition shown by the governments in Iceland to respect the public’s will is evident and shows a lack of democratic respect within the political sphere, proving that the current constitution is in itself a hindrance to a radical change for a caring democracy.

5.2 The Case of Ireland

Ireland did not adopt the constitution of their former rulers in England, from 1922 a constitution was in place that was then replaced in 1937 by a national referendum and implemented that same year. The constitution of Ireland is not particularly gender equal: some amendments have been made that have been empowering for women in Ireland, even though the misogyny is clearly visible.

There are articles in the document that state certain fundamental rights of the people, ensuring justice and fairness under the law, as well as freedom of speech and other basic political rights. The fundamental rights also cover the duties of the state towards children with the right to free education and “...the natural and imprescriptible rights of all children and shall [...] by its laws protect and vindicate those rights. (Ireland, 1937, p. 170)” Article 45 also focuses on the rights of the citizens, in particular the social rights stating that “The state shall strive to promote the welfare of the whole people by securing and protecting as effectively as it may a

social order in which justice and charity shall inform all the institutions of the national life. (Ireland, 1937, p. 178)” and continuing that “The State pledges itself to safeguard with especial care the economic interests of the weaker sections of the community, and, where necessary, to contribute to the support of the infirm, the widow, the orphan, and the aged. (Ireland, 1937, p. 180)”. These articles are only two examples of how the Irish constitution devotes society to the care of the less privileged equally to others.

This does still not mean that the constitution is essentially a caring document, some of the articles of fundamental rights do still infringe upon women’s liberties, with forbidding abortions, an amendment made in 1983, and placing women’s role in the private sphere:

“1° In particular, the state recognises that by her life within the home, woman gives to the state a support without which the common good cannot be achieved.

2° The state shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.”
(Ireland, 1937, p. 164)

The historical misogyny of the state can be seen in other articles, such as the ban on divorce and same-sex marriage. From a liberal point of view, it seems quite paternalistic to make such bans to the fundamental autonomy of a free, rational being. The ethic of care would agree with the liberal morality in this case, as these prohibitions have nothing to do with respect and attentiveness in relationships seen in the caring morality. But the Irish constitution has one of the single most important factors for the citizens to impact their society. Article 46 ensures that all amendments made to the constitution will have to go to a referendum (Ireland, 1937, p. 182), giving people the power to amend the document in accordance to societies changing values. This makes it also possible for civil associations to lobby for changes to their representatives, which has shown to be very effective in Irish society so far. Examples can be found in the amendment made in 1996, legalizing divorce, an amendment made in 2015 legalizing same-sex marriage and the most recent referendum held in May 2018, with the overwhelming majority of the nation voting to repeal the 8th amendment from 1983 which bans abortions (Bardon, 2018). Article 46 empowers the nation to steer the political sphere towards a more compassionate way in politics, showing that the citizens want to live in a caring society, and the way the political sphere is respecting the will of the people shows how caring democracy can exist.

Ireland, much like Iceland, started reconsidering their constitution after the economic crash in 2008. With that the Convention on the Constitution was created, where 66 randomly selected citizens, 33 political representatives and a chairman, worked together through deliberation on suggestions to bring the Irish constitution to the 21st century (Arnold, 2014). Many suggestions were made by the convention, some of which require a referendum and some not. Several of the suggestions have already been implemented, for example: the change on same-sex marriage. Another citizen empowering initiative made by the Irish authorities is the Citizen Assembly: a forum for deliberative democracy where randomly selected citizens take part in discussing issues facing the Irish nation and recommending a course of action (Assembly, 2016(a)). One of the issues that the Assembly discussed was the eighth amendment from 1983, with the unanimous conclusion that it should be repealed. The Assembly agreed upon some key principles to work by: *Openness, Fairness, Equality of voice, Efficiency, Respect, Collegiality* (Assembly, 2016(b)). The principles were to ensure that the time spent together and the work to be done would be done in a caring, respecting way where everyone involved would be truly included. The two projects of deliberative democracy in Ireland are great examples of how it is possible to practice caring democracy, of inclusion and respect and truly reflects a caring morality, across the private and public sphere.

5.3 The Caring Democracy

The importance of relationships and their manner cannot be emphasised enough when discussing a caring democracy. According to Held civil society is built on relationships, which then sustains democracy (Held, 2006, p. 127). But the prevailing idea of a democracy is what Mansbridge calls adversary democracy, where competition and conflict are the accepted way of managing political issues. This system also maintains the idea of equality amongst all citizens, while at the same time cumulating power within certain groups as well as the economic system of self-interest. A unitary democracy would serve the public better, with caring considerations and the use of deliberation. Held states that caring considerations "...are essential for acceptable uses of power, including democratic power. (Held, 2006, p. 152)".

The ethics of care does realize there will always be some conflicts and struggles with power, so the development of democracy and the uses of power are very important. It is likely that politics will always be a game for some people, but the use of the ethics of care could change the game, so persuasiveness would have the upper hand, over the misuse of power in numbers. A caring society has an open and free discourse between citizens and the political sphere, focusing not only on justice and liberty but also the moral emotions entailed in the

ethic of care. Held concludes that “The values of the ethics of care could incorporate traditional ones, such as justice, and go beyond them, as persons would seek cooperatively to provide for children and care for their global environment. (Held, 2006, p. 153)”.

Held mentions in agreement with many legal philosophers that without the guarantees of what has been established as social-economic rights, a “...citizenship in a democracy means little. (Held, 2006, p. 85)”. Furthermore, she claims that while the previously discussed social connectedness entailed in civil society provides well-functioning democratic institutions, “...respect for human rights and for principles of justice presume some degree of caring relations between persons. (Held, 2006, p. 132)”. Social- and economic human rights acknowledge the need for care in the world and can serve as a part of the guidelines for caring constitutions. These caring aspects are quite visible in the constitutions we have examined here, both the briefly mentioned cases of Timor-Leste and the Kurdish project in Rojava, and the closer examined cases of Ireland and Iceland. They show a new direction taken in democracy, a more compassionate way. There is a clear willingness to include Social- and Economic human rights along with political rights, which is a sign that people are more informed about the importance of welfare in society.

The process and the outcome of the referendum in Iceland shows a clear willingness of the public to move towards this new way, but the resistance of the authorities to implement the changes shows a clear misuse of power. Ireland might have taken some lessons from Iceland in terms of the process of the constitutional reform and citizen’ assembly but differentiates in the authority’s respect for the democratic process and outcomes.

The importance of a constitution for a caring democracy lies in the significance of a caring foundation for society. A constitution is not simply a document of law. It is a promise that is made, to respect and uphold duties and obligations. A promise made by citizens to always maintain a watchful eye to those that govern, a promise that we, the people will always care about our society and that our democracy is respected. It is a promise of those that govern to care about, and to care with each other, about the society that they govern. To care for the people, and to care for the democracy. A constitution is the foundation upon which a caring society is built, it is the heart of a caring governance, and it is the safeguard for the caring that is given and received. The constitution is in place to make sure that a caring democracy is in place. Therefore, a constitution written without caring values cannot create a caring society, which in return undermines democracy. Thus, it is a cause to worry about the extent to which a government that stands in the way of such constitutional changes can be considered to care

about, for, or with its people and society. A caring constitution makes sure that the power lies in the hands of the masses, the citizens, not in the hands of a few, even though they have been elected as representatives, because they are representatives, not dictators. Democracy is a relationship between the public and the representatives, and for a radical change in a democracy to occur this relationship needs to be interactive, caring and respected by both sides.

6 In Conclusion

The history of men's domination in early theorizing in politics and morality, as well as in the public sphere along with the silencing of women's voices on matters of civic society shows a clear bias against welfare and caring roles in society. Theories of justice, virtue and liberalism have had the space to grow freely. Thus, the theories which society has been built on are monotonous, which in return have resulted in inequality and the ever-competing market environment. The market-foremost mentality has stretched into the arena of politics, forming a democracy that thrives on self-concerned citizens rather than a society that cares equally about all people.

The marginalisation of women's concerns in the form of essentialism has been contested by many, as well as the claim of care ethics being essentialist. It has been shown that the theory highlights the caring aspects in all human relationships, and that shared experiences of groups strengthen society. Furthermore, the ethics of care have been proven to be a moral theory that stands on its own and does not need to be meshed together with virtue theories to be significant. The ethics of care values relationships above any other moral value, and asks questions about human relationships, the experience surrounding them, the activities and the terms of care and puts it in context with other factors. Care ethics consider justice in a wider sense than simply political rights, it puts justice in context with fairness and equality looking at both positive and negative rights. Justice cannot simply belong to the abstract public sphere, it must be addressed in a social context because justice is a part of both the private and the public. Therefore, justice must be intertwined with care in both spheres. Care must be the system that directs justice in society.

While the ethics of care recognize the good that liberal politics have done for the rights and freedom of many, it also sees how liberalism has changed over time, and developed into a state of "survival of the fittest", completely disregarding the caring that is needed for anyone to survive in the world. Care ethics want to change this view, the four phases of care from Tronto talk about both the disposition and the activity of care must be visible. They show how liberalism is made possible with caring activities, and the morality of care. With the ethic of care, compassionate politics are made possible, where authorities assume global responsibility and citizens assume civic responsibility, making the protection of rights and freedom of all people a joint task.

Keeping the historical social construct of women in mind, it is fair to assume that they are more likely to practice caring and compassionate politics, which leads to the importance of the representation of women. The ethics of care focus on empowering the voices of marginalised groups in decision making, recognising the importance of intersections within groups. The shared experience makes women more likely to be inclusive and caring representatives. Within different models of democracy, the deliberative model is most likely to look past arguments of essential differences of women as well as being likely to include the diversity of society. A caring with democracy as is described by Tronto, where care is the centre of moral values defies the *de facto* state of libertarian market-foremost democracy. The five phases of care ensure an open dialogue, a deliberation where all people have a voice. This will result in caring, listening and reacting becoming the norm in the practice of politics. Thus, when deliberative democracy is practised with the five phases of care in mind, it is likely to lead to a caring democracy of inclusivity.

The role of constitutions is not to be underestimated in the process towards a more caring democracy. They serve as the foundation for society and those that rely on the International Bill of Human Rights show greater respect towards social-economic rights and are therefore more caring for societies welfare. Furthermore, a caring civil society reacts to caring constitutions and vice versa: when people demand a caring society, their constitutions are constructed by their will. Examples can be seen in the constitutions of young states such as Timor-Leste and Rojava, where a social consensus has been established, the emphasis is on the welfare of all citizens and for a caring governance. This social consensus might be explained by the shared experience of the citizens, living in a war-torn area for a long time.

This same consensus cannot be found in Iceland, where the authorities have repeatedly broken their promise of constitutional reforms. While the public in Iceland has proven their will on constitutional change, which shows their consensus, authorities ignore it and continue to serve the interest of a privileged few in the country, which points to social and class difference in Iceland. This demonstrates that the state of democracy in the country is severely damaged. On the other hand, the constitution in Ireland protects the public from their authorities to ignore the public will, they must pay heed to the referendums and their outcomes. This shows how the democratic process is protected by the constitution and ensures the power in the hands of the public.

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