PHI 1700: Global Ethics

Session 10
March 8th, 2016

Held, “Non-Contractual Society: A Feminist View”
Last class we examined two perspectives on contractarianism,
- the rightness & wrongness of actions derives from and is reinforced by mutual agreement (or contracts) between citizens.

Virginia Held (1929 – present), Distinguished Professor of Philosophy at the CUNY Graduate Center, wrote “Non-Contractual Society: A Feminist View” to criticize contractarianism for assuming a male-centric outlook that neglects facts about women’s lives.

- She explains that contractarians take for granted that all citizens fit the mold of “economic man”:
  - an ideally rational, self-interested individual whose primary focus in life is optimizing his own well-being.

- However, she will show how mothers (and other women with strong obligations to fulfill duties to their families) do not fit this mold of “economic man”.
  - (The same applies to other groups like children and people with disabilities.)

- Her view is feminist (= believing that the sexes should be treated equally),
  - because it objects to contractarianism for presupposing & reinforcing inequality between the sexes.
Held begins: “the contractual model was hardly ever applied, as either description or ideal, to women or to relations within the family.

– The family was imagined to be “outside” the polis [political state] and “outside” the market in a “private” domain.

- This private domain was contrasted with the public domain, and with what, by the time of Hobbes..., was thought of as the contractual domain of citizen & state & tradesman & market.
  
  – Although women have always worked, ...they were still thought of as outside the domain in which the contractual models of “equal men” were developed.

...At the time in which contractarianism became popular, 
- “Women were not expected to demand equal rights either in the public domain or at home.
- Women were not expected to be “economic men.”
- And children were simply excluded from the realm of what was being interpreted in contractual terms as distinctively human.” (1)
  
  – The result of all of these circumstances was the exclusion of women from the idea of contractual society.
She explains one reason why women have historically been excluded from full participation in political & economic systems:

- “Women have… been thought to be closer to nature than men,
  to be enmeshed in a biological function [i.e., *childbearing*] involving processes more like those in which other animals are involved than like the rational contracting of distinctively human “economic man.”

- The total or relative exclusion of women from the domain of voluntary contracting has then been thought to be either inevitable or appropriate.”

Pioneering feminist author Simone de Beauvoir famously revealed the error of philosophers & laypeople alike in conceiving of men as thinkers and women as mere baby-makers (believing “a woman is a womb”).

- This line of thought extends the traditional division between mind & body, & commits a fallacy called a *false dichotomy*:
  » it overlooks the complexities of what it aims to describe & misleadingly reduces it to a binary relationship (two opposites).

“The view that women are more governed by biology than are men is still prevalent,” Held writes.

- “It is as questionable as many other traditional misinterpretations of women’s experience.” (1)
For example, the characterization of motherhood as a primitive, animalistic activity is questionable:

- Upon reflection, it is a very complex, deeply challenging job with significant stakes for shaping society.

“Human mothering is an extremely different activity from the mothering engaged in by other animals.

- ...[It] shapes language & culture, & forms human social personhood.
- [It] develops morality, it does not merely transmit techniques of survival...
- [It] teaches consideration for others based on moral concern; it does not merely follow & bring the child to follow instinctive tendency.
- [It] creates autonomous persons; it does not merely propagate a species.
- [It] can be fully as creative an activity as most other human activities
- [It] is no more “natural” than any other human activity.” (1-2)

- Held’s point is that we should not believe that because women are or have to capacity to be mothers, they cannot fully use reason, and thereby cannot enter into political & economic contracts.

- She is also indicating that mothers play a special role in moral education.
“In recent years, many feminists have demanded that the principles of justice & freedom & equality on which it is claimed that democracy rests be extended to women & the family.

• They have demanded that women be treated as equals in the polity, in the workplace, and, finally, at home.
  – They have demanded, in short, to be accorded full rights to enter freely the contractual relations of modern society.
  – They have asked that these be extended to take in the family.”

• In short, one feminist response to contractarianism’s male bias is to demand that women be included in contractual systems.

“…But some feminists are now considering whether the arguments should perhaps, instead, run the other way.

• Instead of importing into the household principles derived from the marketplace, perhaps we should export to the wider society the relations suitable for mothering persons & children.
  • Held is a proponent of this strategy, which argues contractarianism should be replaced with a whole new approach to ethics.
Held outlines an ethical theory called care ethics, which says:

- “just as relations between persons within the family should be based on concern & caring, rather than on contracts based on self-interest,

  » so various relations in the wider society should be characterized by more care & concern & openness & trust & human feeling than are the contractual bargains that…are aspired to in contractarian prescriptions.”

Whereas contractarianism is highly rationalistic,

» care ethics is sentimentalist, emphasizing the value of care.

The vision of care ethics is that “the household instead of the marketplace might provide a model for society.

• Of course what we would mean by the household would not be the patriarchal household,” controlled by the father figure,

• …We would take our conception of the post-patriarchal family as a model.” (2)

• A post-patriarchal family isn’t matriarchal (ruled exclusively by the mother), but rather is managed by parental figures who divide duties evenly, & cooperate rather than aiming to overpower one another.
To demonstrate how the idea of “economic man” excludes mothers & children, Held suggests we “examine in more detail the relation between mothering person & child.”

- ...note...the extent to which it is not voluntary and...not contractual.

  - The degree to which bearing & caring for children has been voluntary for most mothers throughout most of history has been extremely limited;
    - it is still quite limited for most mothering persons.

  - And even if the decision to have a child is voluntary, the decision to have this particular child, for either parent, cannot be...
    - once that decision has been made, she will never again be unaffected by the fact that she has brought this particular child into existence.

  - ...Unlike [a] contract where buyer & seller know what is being exchanged, & which is void if the participants cannot know what they are agreeing to, a parent cannot know what a particular child will be like.

Moreover, “The relation...cannot possibly be voluntary for the young child”:

- ...children are totally unable to choose their parents and, for many years, any of their caretakers.” (2)
Held explains that obligations to family members are not reciprocal in the way that contractual agreements typically are:

- “...any element of a bargain in the relation between mothering person & child ...is very different from the bargain supposedly characteristic of the marketplace.

  - If a parent thinks, “I’ll take care of you now so you’ll take care of me when I’m old,” it must be based, unlike the contracts of political & economic bargains, on enormous trust and on a virtual absence of enforcement.

- And few mothering persons have any such exchange in mind when they engage in the activities of mothering.

  - So the intention & goal of mothering is to give of one’s care without obtaining a return of a self-interested kind.

» The emotional satisfaction of a mothering person is a satisfaction in the well-being & happiness of another human being, and a satisfaction in the health of the relation between the two persons, not the gain that results from an egoistic bargain.

» The motive behind the activity of mothering is thus entirely different from that behind a market transaction.”
The relation between parent and child also differs from contractual relations in its **permanence** and **non-replaceability**.

- “The market makes of everything…a commodity to be bought & sold, with one unit of economic value replaceable by any other of equivalent value.
  - Even *people* are interchangeable in the marketplace: one laborer can easily be replaced with another.
  - In most jobs, what matters about people is *not* their individuality, but rather their productivity (financial gain for the employer).

- **But the ties between parents & children are permanent ties,** however strained or slack they become at times.
  - …*no child & no mothering person is to the other a merely replaceable commodity.*
  - The extent to which more of our attitudes… should be thought of in these terms rather than in the terms of the marketplace, should be considered.”

  » Held is suggesting that **we should treat fellow citizens** more like we treat our family members: **as individuals who are *not* interchangeable.**
Held says that a focus on families provides insight into our notions of equality.

➤ “It shows us unmistakably that equality is not equivalent to having equal legal rights.

• All feminists are committed to equality & to equal rights in contexts where rights are what are appropriately at issue.
  – But in many contexts, concerns other than rights are more salient and appropriate.
  – And the equality that is at issue in the relation between child & mothering person is the equal consideration of persons, not a legal or contractual notion of equal rights.
  – Parents and children should not have equal rights in the sense that what they are entitled to decide or to do or to have should be the same.
    • A family of several small children, an adult or two, and an aged parent should not, for instance, make its decisions by majority vote in most cases.
  – But every member of a family is worthy of equal respect & consideration.
    • Each person in a family is as important as a person as every other.” (3)
Sometimes the interests of children have been thought in some sense to count for more, justifying “sacrificing for the children.”

- [But] much of the time we can see that **calculations of interest** ...are as out of place as are determinations of equal rights.

  - Both **the rights & the interests of individuals**, ...and equality between them all, **should not exhaust our moral concerns**.
    - *Harmony, love, and cooperation* cannot be broken down into individual benefits or burdens.
      - They are goals we ought to **share**...

- “We can consider, of a society, whether the relations between its members are trusting & mutually supportive, or suspicious & hostile.

  ➢ To focus only on contractual relations and the gains & losses of individuals obscures these often more important **relational aspects of societies**.” ()

  ➢ Held’s point is that **our ethical system** should not just maximize goods for individuals,

  ➢ but **also must make sure that relationships** between individuals are ideal.
Focus on families shows that contractarianism’s radical individualism will wrongly lead to neglect of people who can’t take care of themselves.

• “If one leaves an infant alone he will starve.
  If one leaves a two-year old alone she will rapidly harm herself.
  – The whole tradition that sees respecting others as constituted by non-interference with them is most effectively shown up as inadequate.

  • It assumes that people can fend for themselves and provide through their own initiatives and efforts what they need.

  • This Robison Crusoe image of “economic man” is false for almost everyone, but it is totally and obviously false in the case of infants & children…
  – It can lead us to see very vividly how unsatisfactory are those prevalent political views according to which we fulfill our obligations merely by refraining from interference.

    » We ought to acknowledge that our fellow citizens, and fellow inhabitants of the globe, have moral rights to what they need to live—to the food, shelter, and medical care that are the necessary conditions of living and growing—

      • …when the resources exist for honoring such rights there are few excuses for not doing so.” (3-4)
Held’s point about moral rights is that we cannot just assume that everyone is capable on their own of securing what they need to survive & flourish.

- She says that our obligations (or duties) to others go beyond leaving them to do as they please;
  - (out of respect for their privacy, or based on the belief that they ought to “pull themselves up by their own bootstraps”)

- sometimes we are obligated to influence others’ lives if we believe that they genuinely need our help.
  - Some might worry that this opens the door to paternalism, i.e., controlling other people’s lives on the basis of our own beliefs about what their moral rights are.
  
  
- Held would probably say that it is worth the risk of imposing our conception of moral rights on other people,
  - if it means that we’d eliminate the risk of allowing someone to suffer or perish because we didn’t care enough.
Families also inspire **very different view of power** than the one typical of contractarian politics & economics.

- **We are accustomed to thinking of power as something that can be wielded by one person over another**, as a means by which one person can bend another to his will.
  - **An ideal has been to equalize power** so that agreements can be forged and conflicts defused.

- But consider now the very different view of power in the relation between mothering person and child.
  - The mothering person seeks to empower the child to act responsibly, she neither wants to “wield” power to defend herself against the power “wielded” by the child.
  - **The mothering person’s stance is characteristically one of caring**, of being vulnerable to the needs and pains of the child, and of fearing the loss of the child before the child is ready for independence.
    » **It is not characteristically a stance of domination.**

» **The power of a mothering person** to empower others, to foster transformative growth, is **a different sort of power than that of a stronger sword or dominant will.”**

» The lesson is that **regulating others’ behavior doesn’t require intimidation or domination**: nurturing is just as effective.
Held wraps up her analysis:

• “There are good reasons to believe that society resting on no more than bargains between self-interested or mutually disinterested individuals will not be able to withstand the forces of egoism & dissolution pulling such societies apart.

• Although there may be some limited domains in which rational contracts are the appropriate form of social relations,

  ➢ as a foundation for the fundamental ties which ought to bind human beings together, [rational contracts] are clearly inadequate.

• …If the dynamic relation between child & mothering person is taken as the primarily social relation,

  – then it is the model of “economic man” that can be seen to be deficient as a model for society & morality, and unsuitable for all but a special context.” (4-5)
Held explains how her proposal of care ethics understands the role of laws (a contractual system):

- “...law protects some moral rights when people are too immoral or weak to respect them without the force of law.
  
- for this limited purpose, contractual obligations are valuable: to hold people accountable for respecting others’ moral rights.
  
- On this view, the law presupposes an understanding of morality (rather than instituting morality, as Hobbes believed).

She notes: “Many persons can imagine human society on the model of “economic man,”...built on a contract between rationally self-interested persons, because these are the theories they have been brought up with.

- But they cannot imagine society resembling a group of persons tied together by on-going relations of caring and trust between persons...where, as adults, we would sometimes [play the role of parent] & sometimes [the role of] children.”

- Nevertheless, Held thinks this is the kind of society we need.
  
  » We should relate to one another as irreplaceable individuals with moral rights, deserving of our concern,
  
  » and leave self-interest out of our approach to ethics.