

Make of Yourself a Light: Might, Justice and Caring by Doug Stewart

I have a public confession to make. I break the law. Regularly. Even today, I'm afraid. On my way here, I drove over the speed limit, my customary 5 miles over.

I've been a moderate speeder all my life. As with most law-breakers, it's not my fault. I blame my parents. These otherwise upstanding people demonstrated their lead foot as I was growing up, on multi-day trips they took us kids on to see friends and relatives in other parts of the country. My mother drove faster than my Dad, and as youngsters, bored, we would watch the speedometer from the back seat like hawks and, when she'd exceed 10 miles over the speed limit, make police siren noises. Thus was invented our family's version of cruise control.

Quite sometime later, as an adult in my 20's, I stumbled into a discussion about the morality of speeding with an apartment mate, who drove even faster.

"I mean," I said to Jay, "It's against the law, but you don't think it's *really* wrong, do you?" He replied, "Yes, it's wrong." I countered, "But you wouldn't do anything that you felt was *really* wrong, would you?" Jay replied, "Of course I believe speeding is wrong. I don't know why the speed limit is set the way it is. It's the law and I assume the speed limit is set correctly." "But then why do you do something that you feel is wrong?" I asked. This was his reply: "Because speeding is fun!"

It was then I realized I've always had this moral view on my universe, of leading my life to try not to do things I thought were *really* wrong and to do things I thought were right. That other people might value something other than morality more highly, like fun – or strictly following the letter of the law – was an eye-opener to me.

Today I'd like to take us on a journey, perhaps speeding a bit, through an evolution of this moral perspective, a perspective I suspect I'm not alone in sharing.

Let's start back at the dawn of time, on the human timescale.

In the beginning, the morality had to have been 'might makes right'. If I'm stronger than you, then you better do what I say, or else. If I want it, I'm taking it. If I tell you to do it, you better do it. Morality in ancient human history was set by the most powerful person and most powerful band of people.

Against this backdrop of power in primitive human history, the advent of law was nothing short of a miracle. Not force to set what you better do and not do, but a bunch of words that somehow each person in a society would follow? Today I think we can barely grasp what a tectonic shift the concept of law represented in our moral foundations. Imagine being Moses and having a sense of justice and fairness, in laws applying equally across all people, even the most powerful, giving rights to the least among us. Where was the inspiration of these laws to come from? In the Jewish tradition, the source of law was God. Moses came down from Mount Sanai with the claim God had given him the Ten Commandments. Thus was born the Torah. Does anyone know what the word *Torah* means? It means law.

If the power-based morality of 'might makes right' sets the ground floor, then laws and a justice that applies them equally among all people, blind to any bias of power, can only be viewed as a huge societal step upward.

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Justice, fairness and rights, and our law's attempts to codify these, was a monumental advancement in moral development. But I'll leave this first part of my reflection with this tease: as necessary as justice, fairness and rights are to morality, are they sufficient? Is justice the last word in morality?

So far, I've meant to convey a sense of the importance I feel justice, fairness and rights must have in societal morality.

But my agenda is different. In my lights, there is a moral space bigger than justice. Interestingly, this moral space has been with us all the time, but, curiously, we've only named it as a morality relatively recently.

Let's go back a bit How many of you have taken an introductory course in psychology?

You may remember the groundbreaking work of Lawrence Kohlberg. Starting with his doctoral dissertation in 1958, Kohlberg created an elegant theory of six stages of moral development, ranging from, at the bottom – you guessed it – the might-makes-right morality of punishment and rewards, through stages of law and order and social contracts, to his rare highest stage of Universal Ethical Principles, in which Kohlberg said a commitment to justice carries with it the obligation to disobey unjust laws and promote their being changed toward justice. Clearly he had speeding in mind.

It just so happened that in his later work at Harvard, Kohlberg had a research assistant named Carol Gilligan, who was developing her PhD. Now, Kohlberg had originally created his moral stages using a longitudinal study of 84 white boys. When they extended their study to girls, they found girls didn't score as high on Kohlberg's moral stage tests.

Now, I hasten to add we've since found when Kohlberg's tests are normalized for educational level, the differences in moral reasoning between genders disappears.¹ But at the time, the effects of education on Kohlberg's stages weren't known, and the apparent gender difference led Gilligan to wonder if women might have a different perspective on morality, a perspective Kohlberg's moral stage tests didn't detect. She proposed women have a morality based not on justice but on caring. This was the basis of her famous 1982 book, *In a Different Voice*.

Thus Gilligan named a whole new perspective on morality, one based on caring, an ethic still under explicit development to this day. It's been there all the time, but somehow had been submerged under justice. Sideline by justice. Nurturing, caring, was women's work, versus the law and the legal system.

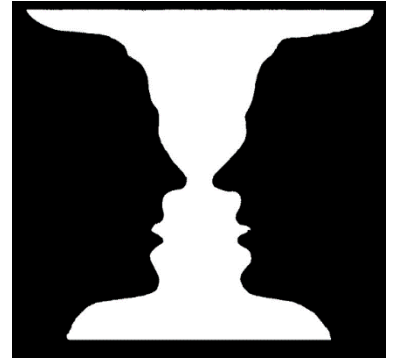
Consider this. Kohlberg's stages are oriented toward justice, in which the higher stages appeal to increasingly more abstract reasoning. In contrast, Gilligan and other caring advocates claim caring is attentive not to abstractions but to the particulars of the unique situation and parties involved. Justice and rights assume individual autonomy; my rights extend to where yours begin. Caring includes the individuals but is also attentive to the health of their relationship. "They are two alone, they are three

¹ Vozzola, Elizabeth, *Moral Development: Theory and Applications*, New York: Routledge, 2014, p 42

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together, they are for each other, as the old Crosby, Stills and Nash song goes. A relationship has a health to be considered just as much as the health of either party.

In our order of service, there's a picture of a white lamp or two black faces. Gilligan herself saw justice and caring as a yin and yang, or a gestalt, like this picture. We can picture either the lamp or the faces, but not both simultaneously. Similarly, Gilligan held either the justice perspective or the caring perspective can inform our moral decisions.



However, she was a psychologist, not a philosopher, and ethically this leaves open the question of when to use justice and when to use caring. What do we use to decide? Justice? Caring? Something else?

Unlike Gilligan's either / or gestalt, Martin Luther King was a dualist; he saw the need for both justice and care – *at the same time*, not exclusively one or the other. Think of his use of love as a form of care in this quote:

Power at its best is love implementing the demands of justice, and justice at its best is power correcting everything that stands against love.

Other ethicists are polytheistic, seeing justice and caring among a panoply of values such as truth, quality, and even fun – but note this still leaves open the decision problem; how do you choose among these values to reach a moral decision? Which value do you use to decide?

My own inclination is to side with still other philosophers, who elevate caring to the central value, with justice being one way to express caring at the societal level. As evidence for making caring more fundamental, they point out the existence of the human race, generation after generation, depends on caring. None of us would have survived infancy had we not been in someone's care; justice has little to do with 2 AM feedings or cooing to a babe in arms or doing that standing bouncy thing parents do to keep babies content. *We simply wouldn't exist as a species without caring.* It predates justice and has been there all along.

Moreover, caring expands our moral universe well beyond what justice can cover. While in justice, my rights end where yours begin, caring calls us toward positive involvement with one another. When we love a child, we are doing something ethically good not captured in terms of justice. In creating a beautiful work of art, the artist is doing ethical good by adding to the beauty of the world, by enhancing the viewer's experience of being alive. Justice plays zero sum games, distributing finite resources fairly, but doesn't play well in the expansive moral realm of creating new worth, where caring has its home.

In fact, according to ethicist Virginia Held, justice is dependent on care. Before there can be a just society, she says, people must care enough about one another to want to have associations. Social contracts require a certain socialness before we can even get to the contract part.²

² Held, Virginia, *The Ethics of Care: Personal, Political, and Global*, Oxford, Oxford University Press, , 2006, p 86, p 129

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Finally, and perhaps most importantly from the perspective of the moral person, the ethic of care expands what we as individuals bring to inform our moral universe. Justice eschews emotions as interfering with the rational determination of rights and fairness. While caring values the rational too, it not only allows but calls on us to use our emotional sensitivity to inform our moral decisions as well.

Now, similar to there being bad reasoning, we can mistakenly bring bad emotions to bear on ethical decisions, emotions such as jealousy or vengeance. But in caring, good emotions have just as positive a role to play as good reasoning does. In caring, emotional sensitivities are not to be ignored or, worse, quashed. Instead, emotions such as empathy, kindness, and even, sometimes, anger can inform our morality. Think of the story of that paradigm of a loving life, Jesus, upsetting the tables of the money lenders in the temple. Much more than justice is portrayed as going on there. Caring calls us to involve our whole being, heart and soul – as well as mind.

Society is an inhospitable place for this moral perspective. In using justice as the basis for morality, our society idealizes autonomy, self-sufficiency, individual rights, and an economy based on maximizing each individual's utility. F-r-e-e-d-o-m. And, I'll admit, there's a part of me who longs to be unfettered and unencumbered, to be entirely self-sufficient.

However, separateness is a complete and utter illusion. We count on one another in countless ways, including driving on the right side of the road – and not speeding unsafely. Far from being free, since conception and ever after we have been in relationship with others, to better and worse degrees. To be healthy, those relationships need to comprehend care, to not be based on abusive and selfish might or even upon the cold letter of the law, but upon relationships based upon care, compassion, and love.

Some of our 7 UU principles get this right, in my view. We speak of Justice, equity *and compassion* in human relations. We speak of confronting the powers and structures of evil with justice, *compassion* and the transforming power of *love*.

But one of our UU principles speaks of a goal of world community with peace, liberty and justice for all. While that sounds good, I want more than a world in which a person is unafraid of war, solitarily free and getting their fair share. I want a world in which we also nurture one another, building our relationships, a compassionate, caring, loving world.

The ethic of care is influencing our sense of justice, to my thinking, by. In 1971 ethicist John Rawls promoted a basis of justice he calls a *veil of ignorance*. In his conception, a just society is one which would be fair if no one knew where they would be born into, their wealth or health. A just society would be one which would be just when nobody knew, to quote him, “[their] place in society, [their] class position or social status; nor [would they know [their] fortune in the distribution of natural assets and abilities, [their] intelligence and strength, and the like.”³

A just society, according to Rawls, would be fair to you, if you were born into the world's upper one percent or the lower one percent, as fair if you were gifted as not so gifted, and presumably as fair if you suffered a medical condition or accident.

³ [Rawls, John](#) (1999). *A Theory of Justice*. [Harvard University Press](#). p. 118. [ISBN 0-674-00078-1](#).

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Using Rawls' veil of ignorance as the measure, we have quite a way to go to achieve a fair society just in the United States, let alone globally. There is an incredible amount of good work to be done in this space, to bring such justice to the world, and I want to honor any work done to do so. I happily support work which would create a fair society under the veil of ignorance.

In your order of service there's a picture of sunflowers. ⁴ The left side shows a justice of equality, with the stools distributed equally among the flowers. The right side shows a newer justice, a justice of equity, which takes into account individual needs, perhaps taking into account John Rawls veil of ignorance. Equality vs. equity, a relatively new naming.



(State Dept./Doug Thompson)

Restorative Justice is another example of justice becoming more caring. Restorative justice is attentive not only to the broken rule and the deed which broke it, but also to the individual and individual act, taking into account intentions

as well as deeds. It fosters building relationships over punishment and retribution, rehabilitation over incarceration. We do not need a war on drugs or poverty; we need transformative justice, guided by compassionate hands.

The reality is we live in an interdependent web of all existence, where stepping on one strand sends vibrations throughout the moral universe, to reverberate back to us. We don't all get ahead until we all get ahead. Let us take each step forward on that web informed by blind justice and the fairness of the veil of ignorance. But let us take off our blindfolds and our veils to shine a light, a light that illuminates this unique situation, this unique person, the relating going on and the relating which could yet be, present in the here and now. Light not might, as we go about righting the wrongs of the world and envisioning new opportunities. Light, not might as we depend on one another in going about taking care of the cares of our world – perhaps even speeding a bit to do so, as long as we speed with care.

⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5541538/>