

Could the 'ethics of care' provide a viable alternative to our traditional systems of justice?

The ethics of care is a moral philosophy which emphasises the importance of interpersonal relationships and the wellbeing of others (Held, 2006). It is in our human nature to want to care and be cared for (Noddings, 2013). Traditional systems of justice in Britain are based on principles of voice, neutrality, respect, and trust (HM Inspectorate of Probation, 2020). The justice system consists of a number of entities including prisons, the police force, courts, and the probation service. It is the probation service which is the focus of this discussion. Care ethics is a perspective that, if applied to the probation service, could have advantageous effects in adhering to the principles of the justice system more faithfully. Ethics of care offer great potential to transform the justice system and could offer a viable way to rehabilitate prisoners.

The ethics of care is a relatively new theory, which was introduced only a few decades ago (Held, 2006). Psychologist Carol Gilligan and philosopher Nel Noddings are two scholars to which this particular moral theory is often attributed. One of the fundamental elements of care ethics is the importance of considering the needs and wellbeing of others (Held, 2006). Interpersonal relationships are at the core of care ethics. Dependency is a salient concept within the theory of care ethics. Human beings are dependent on others at various points in their lives, and the care that we receive during our early formative years is paramount in determining how well we will flourish later in life (Held, 2006). Care ethics highlights the moral significance and responsibility to

prioritise the needs of the dependent. Empathy is another notable concept in the theory of care ethics. It is a theory which values emotion, and suggests that human emotions can help to guide our moral compass. It suggests that moral perspectives which rely solely on logic and reason are flawed as they provide an incomplete picture and fail to take into account the complexity of human psychology and emotions (Held, 2006).

Care ethics is different to other forms of ethics that may focus more on principles. Noddings (2013) rejects ethics of principle, and points out that in a world rife with violence, killing, and vandalism, many of these acts are committed in the name of a principle. The concept of honour killings is one example of this. She argues that a principle based code of ethics can cause people to become self righteous and reject those who do not share their own principles. An ethics of care does not allow for this to happen, and maintains that a course of action that involves violence is inherently unethical. For this reason, care ethics differs from other moral theories, such as that of utilitarianism, which justifies violence if it is deemed beneficial to the majority.

The criminal justice system in the UK is a collective body of a number of institutions such as the police, prisons, court, and probation services. Rehabilitation is a fundamental objective of the probation service (Robinson and Raynor, 2006). Applying an ethics of care could be beneficial in achieving this objective. This raises the question of how the application of care ethics might look in the probation service. Gilligan (1993) considers an ethics of care to focus on a need for responsiveness and to be listened to within interpersonal relationships. She considers the logic to be contextual and

psychological, rather than mathematical. With this in mind, an ethics of care within the probation service would place emphasis on communication, to listen carefully and respond to the needs of service users. This would require time for probation officers to be able to dedicate to listening to service users.

Care ethics in the probation service would result in a different relationship between the officer and the service user. Service users are typically vulnerable people, and care ethics would place emphasis on the caring responsibilities of the probation officers who work with vulnerable people. One of the fundamental aspects of care ethics is the emphasis on the unique and contextual nature of moral issues (Gilligan, 1993). This would mean that, with the application of care ethics, service users would be treated as individuals and their unique needs and circumstances would be taken into consideration when working with them.

There are however a number of issues within the current probation service. One issue this raises is that for a service that is currently underfunded (Grierson, 2021), with probation officers needing to take on high caseloads, time is a luxury which can not be spent liberally. Another issue is that the importance of the probation service is often overlooked and underestimated. 80% of crime is committed by reoffenders (Grierson, 2021), which highlights just how significant a role probation plays in combating crime. Applying an ethics of care, and responding to the needs of service users, could enable probation to tackle the causes of why people offend and reoffend.

Some may wonder why convicted criminals would even be deserving of care, sympathy, or understanding, and would need to be convinced that care ethics within the justice system would be an appropriate development. This raises a debate pertaining to the origins of criminal behaviour. What circumstances cause an individual to commit a crime, and are they solely responsible for it? Socialisation plays a significant role in shaping individuals (Taylor and Workman, 2019), and studies show that sons of criminal fathers could be twice as likely to commit crimes themselves (West and Farrington, 1973). There is also a correlation between poverty and imprisonment (United Nations, no date), which highlights environmental factors. This suggests that there is an element of determinism regarding criminal behaviour, and one could argue that if someone has fallen into a life of crime following a troubled upbringing, they are not entirely to blame for their misguided actions.

Parenting styles significantly impact how children are socialised and influence their behaviour. Authoritarian, indulgent, or neglectful styles often result in poor moral understanding and troubled behaviour. An authoritative discipline style, which combines affection and nurturing with firm boundaries set through explanation, discussion, and reasoning, is found to be an effective style (Ginsburg *et al.*, 2009). Incidentally, this seems to be the most caring approach. If criminal behaviour is the result of ineffective parenting styles, then perhaps practising a more caring approach within the justice system could reduce further criminal behaviour.

To convince the public that prisoners should be given time and care to rehabilitate them is a challenge. There are practical, financial, and sociological benefits in reducing reoffending. The UK spent 5.42 billion GBP on its prison system in the years of 2021/2022 (Clark, 2022). When taken into account that the vast majority of crime is committed by reoffenders, this highlights just how much of a financial gain it would be to prioritise rehabilitation through the probation service. Imprisonment has a damaging social impact which weakens social cohesion. It disrupts family relationships and can have a detrimental generational impact (United Nations, no date). If a child's parent is imprisoned, that child lacks the care and nurturing necessary to grow and develop, resulting in an increased chance of that child committing crimes in the future. It is for these reasons that it is important to prioritise rehabilitation.

As care ethics is still a considerably new theory, its efficacy is still being explored today. Its emphasis on dependency between human beings is significant to the field of probation, which works with vulnerable people. Interpersonal relationships are at the centre of care ethics, which is one reason it could be a valuable method to consider when it comes to institutes that work with people. It is precisely because of these qualities that care ethics differ from other moral theories. There are numerous issues within the British justice system that in turn would create issues if an ethics of care were to be applied, such as issues with funding and negative public perceptions of rehabilitation. There are valid reasons that criminals are deserving of fair and effective treatment for rehabilitation, for example crime is often the result of socialisation, which is a process that is out of an individual's control. It is usually due to a lack of caring

relationships in a person's life that they end up committing crimes, so it stands to reason that employing an ethics of care within the justice system could result in combating crime.

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