

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

The subject worth being considered in the beginning is the ethical egoism as conditional egoism,¹ which states that aiming to achieve own goals whilst staying within the boundaries of the Law, is something very positive, as it leads to personal growth, enrichment of their interests, and in turn their business and even the country. In other words, the higher our needs and the more we try to satisfy them, the more effort we put in and for example in turn we end up paying more taxes which lead to the growth of the country's budget.

At this point we need to look at a widely defined philosophy of feminism, which currently is mostly associated with a fight for women's rights that originate from ethical egoism. The fight for the right to vote, working rights, the right to own a business or to hold high ranking official positions. It is, of course, connected to the wish to achieve success, both by women and men. It is, definitely, a form of feminism, where women fight for themselves and they are fully justified in that.

The subject of Egoism is so interesting, because the law in itself, just like many other traditions originate with men and were created for men. Therefore, Feminists fighting for their rights to participate in business or to hold positions in on Judicial Benches or High Offices are similar, in a way, to them reaching for ideas and structures that were being created over hundreds in not thousands of years, by men. Although this should not be in any shape or form restricted, Feminism is not limited only to such fight.

Some rights of women as such were guaranteed, depending on the culture, for many years. Rape has been forbidden, women always had the right to marry, and women themselves have been showing their feminism for thousands of years, even through the support and guidance they provided for their husbands.

Mary Wollstonecraft centuries ago asked a very tough question, whether femininity is a result of biological factors or the position a woman has been put in by men?² To the question asked, whether women's morality comes from their biology, she answered that the morality comes from human nature, not from biological factors. Therefore, when following this thesis, should we not assume, that men are simply built differently than women, and for this reason there will always be differences in their nature? Because if not, then we should aim to popularise nature – human nature. Wollstonecraft also denied, that women should be classified as being of different nature than men, in general. On the other hand she stated that limited in their development of artistic nature, they remain somewhat overly emotional and indulgent. She clearly stated that the problem may come from the education itself as during childhood boys are taught morality whilst girls are taught good manners. Unfortunately, during the times of her writing, she was met with a lot of critique, which ultimately led to her ending her works with a statement that men are better equipped for human morality.³

Philosophers of the 18th century opposed Wollstonecraft and stated that virtue is the same for both genders. They developed a system of rules where male and female virtues are simply different. At a certain stage they even stated, that female virtues may be on a higher level than male – care, empathy, compassion, ability to sacrifice or kindness... With time they asked a question whether it is not the case that female virtues are natural and men should also work on developing them, or whether these are negative psychological characteristics that everyone should

1 Alexander Moseley, 'B. Ethical Egoism', *Internet Encyclopedia Of Philosophy, A Peer-reviewed Academic Resource*, <<https://iep.utm.edu/egoism/#SH2b>> [Accessed: 3rd of August 2025].

2 Rosemarie, Tong, and Nancy, Williams, '3. Status-Oriented Feminist Approaches to Ethics' in *Feminist Ethics*, part of Stanford Encyclopedia Of Philosophy Archive, Winter 2014 Edition, 04/05/2009, article, <<https://plato.stanford.edu/archives/win2014/entries/feminism-ethics/#FemistAppEth>> [Accessed 3rd of August 2025].

3 Rosemarie, Tong, and Nancy, Williams, '3. Status-Oriented Feminist Approaches to Ethics' in *Feminist Ethics*.

avoid.⁴

The core, just as the subject remained and still remains, whether what women fight for and 'ethics of care' is possible within the norms of the current justice system.

At this point we face the subject of 'ethics of care' itself, because even though the subject of feminist movements should be taken into account, as well as the egoism, created centuries ago by men, we still arrive at the question: are we able to create a justice system, that by default would take into account the ethics of care. A good example here would be a man, that suffers extreme hardships, has to provide for his family, but then his wife or children become ill. His own financial means are insufficient to cover the cost of medication, and without any other way he decides to commit a crime – he steals – medication or money that he intends to use to buy it. Of course, he committed a crime, but he did it because of valid reasons and it was his own decision. Therefore, he deserves a just punishment, but in current justice system, an honest judge would simply give him a lower sentence due to mitigating circumstance. This is still far from ethics of care understood by the justice system. The sentence man still leaves his ill wife, maybe even his children and the justice system becomes unfeeling towards the reason for his crime. The justice system has to function within the Law, but is it just? The man, deserving the punishment, would most likely spend his sentence in the jail, but his wife and children will also be punished as a result.

Regardless of how improper it would sound, a woman will never be equal to a man, which can be also understood in reverse, a man will never be equal to a woman. It is simply the way biology works. But the subject of the law, especially in the 21st century, should be amended to include other, new solutions.

Feminism is a broad philosophical subject, which should begin with a statement, that at least at the moment, only women are capable of giving birth to a new life. A singular child creates a relatively low natural growth rate, only two children create a balance, and therefore, not from a demographical view, but from the point of view based on Egoism, having a multiple offsprings is extremely important. Let us imagine that a woman gives birth to at least three children, or even five. They need to be taken care of in a right way, brought up, educated. At this point feminism starts to take a new form. Does this mean that a woman should be stopped from attending university, working or participating in business? Of course, women's biology has to be taken into account, it puts them in a completely different and much harder position. The example of 5 children equals more than 15 years of hard labour at home!

At this stage, the 'ethics of care' starts to spread out from the criminal law to a strictly civil law.

Egoism, therefore, becomes extremely important, especially conditional/ethical egoism.

The amount of extraordinary and often varied in their views, feminists, becomes hard to count.⁵ The justice system has been amended on multiple occasions over the years and it will continue to evolve over the years. We then need to take into account current times – the 21st century, maybe this is a good time to revolutionise the justice system from the point of view of 'ethics of care'?

The perfect example for this is the popular Netflix series – *Bridgertons*.⁶ The main character, a writer, on one hand fights for women's rights, publishing sometimes orthodox text. On the other hand, she takes on the weight of having a fully intellectual conversation, the ballgowns starts to mean more for her, just as the balls themselves do, to ultimately find a rich and influential husband. Such expectations are also a part of feminism.

It is worth mentioning that current marx-socialist feminists are less aware of traditional marx ideology, that the relatively low social status of women is connected to whether they are

⁴ Ibid.

⁵ Ibid.

⁶ *Bridgerton*. Created by Chris Van Dusen, Netflix series, Seasons 1-3, 2020–present, <<https://www.netflix.com/title/80232398>> [Accessed 3rd of August 2025].

considered a cheap labour force. With time, and mostly because of the inclusion of many radical feminist ideas to personal theories and practices, marx-socialist feminists often consider their status as women; to be precise, that their role as a women in production, reproduction, sexuality and socialisation of children requires a change, so that women can stand on equal footing with men. Moreso, women's psyche needs a transformation as well, because if women will remain uncertain of their worth, the world will never change.⁷

Existential feminists, similar to those of a psychoanalytic kind, search for the answers to their questions in the darkest parts of their Psyche. Because children are almost exclusively raised by women, boys and girls are psychonanalysed in completely different ways. Boys grow somewhat quicker and wish to separate from their mother's care, whilst girls are often connected to their mother by a deep bond, reflecting the behaviour of their mothers and sisters. Furthermore, boys begin to often exhibit patriarchal behaviours, wishing to separate themselves from their mothers and sisters and focus on masculine aspects of life. What can be taken from this is one thing, that feminine virtues are in current times less desirable than masculine. Following this, we can assume that if the boys spend the same amount of time with their fathers as they do with their mothers, and the women would spend equal time building their businesses that men do, the patriarchy would be simply lost and in its place a new ideology would be created.

The last, often disregarded subject, is a connection between feminism and fight for animal rights. On surface these two have very little in common, but when looking closer, similarities become more clear. The animals are by default treated as less-than humans and subjugated to a human superiority. The very idea that some form of nature is worse than another quickly leads to the idea that if animals can be treated as lesser than humans, then why not go a step further and declare that the nature of women is, in fact, not equal to that of men, or even to humanity itself?

We are also left with the lesbian feminism. Following the idea, that a women was created to birth children, what can come from the idea that two women decide against such a thing? Would this not level the playing field, so to speak, for them?

Yet another, very strong argument is that, the philosophical feminism, originating from the 18th century, is not made up of a singular ideology. There are, have been and always will be many feminists, which can also be connected to how complicated the subject is, but what cannot be disregarded is that they may not all speak the same 'language'. It creates, in a way, a necessary decision to make, which version would give the most chance of creating a change in the legal system.

The feminism can also remain on a loosing position in a way, as it only looks at things from female perspective, whilst at the same time philosophy includes male perspective as well, the cornerstone of philosophy is sharing of thoughts and analysis of various situations of all thinking natures. Therefore, assuming that feminism should only be focused on female worldview may be a fault on its own. Possible, the feminism as an ideology itself, which looks for solutions in how the life and treatment of women looks like is faulty in its nature, as more efficient would be an attempt to introduce restorative ethics to an already exhistic system.

The 21st century itself can bring unexpected changes regardless of which thought system will be forced. It is an era of globalisation, where the entire world is being connected and maybe the time will bring better, completely unexpected by the ethical movements, solutions.

Aside of all of these interesting ideas, we should focus predominantly on the main subject, that being: Could the 'ethics of care' provide a viable alternative to our traditional systems of justice? There have been very many suggested changes, but none of them has been introduced in its entirety. It may lead to a conclusion, that regardless of the lawmakers and philosophers, or even the legal system of the 21st century, such a change is currently impossible because of technical reasons and attempts to introduce it could potentially lead to a downfall of the entire legal system

7 Rosemarie, Tong, and Nancy, Williams, '3. Status-Oriented Feminist Approaches to Ethics' in *Feminist Ethics*.

everywhere.

Bibliography

Bridgerton. Created by Chris Van Dusen, Netflix series, Seasons 1-3, 2020–present,
<<https://www.netflix.com/title/80232398>> [Accessed 3rd of August 2025].

Gilligan, Carol, *In A Different Voice - Psychological Theory And Women's Development*, Thirty Eight Printing (Cambridge, Massachusetts, and London, England: Harvard University Press, 2003)
<[https://syllabus.pirate.care/library/Carol%20Gilligan/In%20a%20Different%20Voice%20\(418\)/In%20a%20Different%20Voice%20-%20Carol%20Gilligan.pdf](https://syllabus.pirate.care/library/Carol%20Gilligan/In%20a%20Different%20Voice%20(418)/In%20a%20Different%20Voice%20-%20Carol%20Gilligan.pdf)> [Accessed: 3rd of August 2025].

Moseley, Alexander, 'B. Ethical Egoism', *Internet Encyclopedia Of Philosophy, A Peer-reviewed Academic Resource*, <<https://iep.utm.edu/egoism/#SH2b>> [Accessed: 3rd of August 2025].

Moseley, Alexander, 'Egoism', *Internet Encyclopedia Of Philosophy, A Peer-reviewed Academic Resource*, <<https://iep.utm.edu/egoism/#:~:text=In%20philosophy%2C%20egoism%20is%20the,factual%20description%20of%20human%20affairs>> [Accessed: 3rd of August 2025]

Tong, Rosemarie, and Williams, Nancy, '3. Status-Oriented Feminist Approaches to Ethics' in *Feminist Ethics*, part of Stanford Encyclopedia Of Philosophy Archive, Winter 2014 Edition, 04/05/2009, article, <<https://plato.stanford.edu/archives/win2014/entries/feminism-ethics/#FemistAppEth>> [Accessed 3rd of August 2025].