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# Care and its Constraints: Will Care Work pass through Pettit's Gate?

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## *Abstract*

Welfare states are in a care crisis both in the sense of a practical care gap (abundant needs but not enough caregivers) and in the new movement to limit care to mere rehabilitation. Few political theorists pay attention to these developments, and those who do say little about the potential limits to care. This article discusses Philip Pettit's theory of social justice in relation to questions of public care provisions. Pettit's theory has been praised by feminists for its attention to social injustices and because it highlights fair limits to care. This article examines how Pettit builds up his argument involving the idea of a gateway good, heuristics and a set of constraints. Although the article points to the value of Pettit's theory, Pettit's arguments to limit the state's care tasks depend on the false assumption that a theory of justice considers able-minded adults only. This article argues that Pettit's assumption that we leave out children and not-so-able-minded elderly, leads to a general neglect of the typical human life cycle, and in particular of those life stages that are most care-dependent. The constraints that he set up on the state's care tasks build upon this problematic premise. If the premise is not accepted, the logic of Pettit's heuristics and constraints, used to limit the state's care tasks, lose their argumentative force. A realistic political theory that sets limits to the state's care tasks should have something to say of all the stages of human life (including our care-dependent stages) and of the central structural relations that a normal life entails (such as having others depending on our care).

## *Keywords*

Non-domination, Care, Philip Pettit, Feminism, Recognition

## Introduction

Being lonely and afraid of dying, a woman calls the municipal social care office and asks for someone who can come and hold her hand. Her request is denied, on the grounds that hand-holding is not a registered public service. The same night, the woman dies<sup>1</sup>. If we define care in general as ‘the provision of daily, social, psychological, emotional, and physical attention for people’<sup>2</sup>, the world is abundant with gaps between people’s existing needs and the resources that can be provided to meet these needs.<sup>3</sup> There is a care gap. How do we know when exactly common resources should be provided to satisfy people’s needs? What normative vision and what vocabulary could guide us? These questions will be even more pressing as new technologies emerge that could replace human care work with automated care (in fact, there are now robots or machine animals that are used for hand-holding and cuddling).

The hand-holding case is illustrative of the dimensions of care that are currently being marginalized, as welfare states and social agencies prefer rehabilitation that can be legitimized as being in accordance with ideals of freedom, equality, and empowerment, as non-paternalistic, as budget constraining, and as reducing the otherwise unlimited responsibilities of care-workers. However, there remains a question: should someone without caregivers or family members, and who is not asking for religious care, should that person not also have a robust claim to have somebody to come and hold his or her hand in a moment of deep distress? Why exactly is hand-holding not a legitimate care service? On what ground was it decided that hand-holding a lonely, old woman in her final moments is not on the service list? We might call this a claim to a friendly and caring recognition in a manner that can take physical form, recognition that is sensitive to the intimacy zone of the concrete citizen. If the claim is robust, it means that it cannot fully be left to civil society volunteer groups but must be provided as an entitlement by the care system as such.

Contrary to what might be expected, this article will not offer recommendations as to what kind of care the public should support.<sup>4</sup> Rather, it will discuss a specific theory of care and specifically, how this theory constructs limits of care. Philip Pettit’s political philosophical work helps to define the normative threshold that a welfare state should meet. He defines this threshold as both the state’s minimal and its maximum (section one). The theory’s fundamental views are strongly aligned with shared public intuitions views, political

policies, and the stated interests of those most in need. In addition, many care theorists and feminists also find – for good reason – Pettit’s concern with non–domination to be deeply in accordance with their own value concerns (section two).

Since Pettit’s view seems to rule out hand–holding, friendly care as a public task, the article will discuss Pettit’s criteria for limiting public care tasks (section three). Why is this helpful? First, it is not fully clear from the theory itself what the limits to public care tasks are. Second, the theory presents many different arguments as to why there should be limits, including the heuristic of the so–called ‘eye–ball test’. Here Pettit is concerned that his proposal could find broad public and philosophical support. Also, he applies a set of constraints that are methodological in nature. The first constraint states that we should focus only on able–minded adults. This makes sense for philosophers, but if we are setting up standards for a welfare state, such a constraint seems from the start to neglect questions of care, including questions of who will perform the care tasks. I hope my arguments will be internal criticisms in the sense that, though I start out with a fundamentally different assumption than Pettit, my focus will be on his arguments. Thus, this article is more hermeneutic than an exercise in theory–building.

My goal here is to practise the kind of hermeneutical suspicion towards Pettit’s celebrated and influential theory of social justice that the care theorist Joan Tronto expressed as a general concern:

‘the process by which we make some questions central and others peripheral or marginal [which] is not simply a benign process of thought. Theorists’ exclusions operate forcefully to set boundaries between those questions and concerns that are central and those that are peripheral’ ... ‘Theories and frameworks exert a power over how we think’.<sup>5</sup>

Though Pettit’s writing is not only insightful and clearly stated, since he has been dealing with so many layers of political philosophy for many years and has revised his views, it is not an easy hermeneutic task. Furthermore, Pettit blends different theoretical approaches. According to Pettit, we should aim for the good (care, virtue, and respect), but for political purposes, we should then limit these aims by procedural constraints and people’s intuitions about what kinds of relationships they have to others as citizens. In our private lives, we can hope for care, and publicly, we should aim at non–domination.<sup>6</sup> Though Pettit claims to be a consequentialist, he thus indirectly adds some procedural and contractual elements

that constrain the kinds of duties that citizens can place on others. For those of us who ask what the consequences will be for public care, given these procedural and contractarian constraints, Pettit says, ‘Wait and see.’ We need to see that the respect for the status of being a non-dominated citizen that citizens should offer each other is *a gateway good*. In order to safeguard non-domination, we need to safeguard other goods.<sup>7</sup> One hermeneutic question is thus, whether we have good reasons to trust that the publicly relevant forms of care work will ‘pass through’ this gate if this were the only gate in our ‘city of goods’. What would be the consequences for care work if we decided to make freedom as non-domination the state’s primary preoccupation?

Non-domination is a gateway good, since, to ensure non-domination, we need to set up numerous ‘caring’ practices. Depending on how care is defined, some types of care will thus pass through Pettit’s gate. Tronto, distinguishing *taking care of* from *caring about*, *care-giving* and *care-receiving*, argued that the responsibility and concern expressed in taking care of and caring about is a common high-status virtue among the powerful.<sup>8</sup> At least in extreme cases, one can think of ‘taking care of’ as legitimizing non-caring actions (war, violence, and murder that afflicts B could be a way of caring for A). Of course, Pettit’s theory would limit what one might do to B to protect A, given his commitment to non-domination. Additionally, forms of care much closer to directly caring for A are likely to pass through his gate. At least in a rehabilitating kind of way, Pettit’s means of ensuring non-domination are likely to come close to *care-giving* which is the direct meeting of the needs for care and *care-receiving* meaning the response to the care.<sup>9</sup> However, these forms of care may still be far from the friendly form of face-to-face relational interaction sketched above. Care-receiving could mean that a wheelchair is left by your door, and care-giving could mean that a video is made to show how people can get better after an illness. The idea of the gateway good in itself does not involve treating care-giving as a ‘marginal part of existence’<sup>10</sup> and ‘society’<sup>11</sup>, nor attaching ‘care and caring’<sup>12</sup> with ‘little status’.<sup>13</sup> Since the theory is sufficientarian as it allows for differences in power and wealth above a certain threshold<sup>14</sup>, doctors may be well paid and low-taxed. The question rather, is whether the justifications that Pettit offers for limiting public tasks to certain care tasks are good reasons.

As mentioned, Pettit develops some constraining methodological specifications to his theory that limit hand-holding, friendly care. Hence, this article discusses six constraints that Pettit imposes on the politically relevant and canonical complaints. Others have argued

that Pettit's theory of non-domination needs to be augmented.<sup>15</sup> This article claims that Pettit's position could serve an important role in discussions of public care work if it gave more concern to children and care-dependent elderly. Such an alteration to Pettit's theory, however, would have consequences for Pettit's central arguments to why the public's care tasks should be limited. I shall argue that once we consider the typical human life cycle, Pettit's theoretical constraints lose their argumentative force. Given Pettit's concern that his theory will be relevant to real world politics, he needs to confront this challenge.

## I. The theory

Pettit's theory confronts the question of limits to public provisions directly:

Every philosophy of the good society starts with an account of the canonical complaint that the state should help to put right: the evil that the society should drive out by all means of political organization and initiative [...] The more personal complaints generate a powerfully motivating agenda, since most of us would rejoice in a state that silenced them. But these complaints are liable to seem politically over-demanding.<sup>16</sup>

To Pettit, the canonical complaint is domination, or unchecked dependence on the will of another in areas of fundamental choice.<sup>17</sup> If societies do not change the situation in which others have unchecked ability to interfere at will in your central areas of choice, it expresses disrespect for you as a citizen of equal status with all other citizens. Pettit's concern with the equal status of citizens as persons capable of making reflective choices may seem far from the vocabulary of care. However, Pettit insists that setting this complaint right is what social or public justice is about. The next step is likely to make care theorists more comfortable. Pettit stresses that providing equal status as non-domination is 'a gateway good' to goods like solidarity and welfare.<sup>18</sup> A 'gateway good' is 'a good whose realization promises to bring the realization of other goods in its train.'<sup>19</sup> As he explains, 'Freedom as non-domination [...] already requires institutions that perform well in regard to values like equality and welfare,' such that 'those values ['equality/welfare/utility'] do not have to be introduced as distinct desiderata'.<sup>20</sup> It should be noted how freedom goes hand in hand with equality. The 'guiding heuristic' of the 'free person'<sup>21</sup> helps to determine the kind of respect we are all due as equal citizens sharing 'in the good of reciprocal recognition'.<sup>22</sup> A person enjoys the status of citizenship and the full recognition one can expect as such when the


person achieves non-domination.<sup>23</sup> To determine the level of social protection needed to be a ‘fully recognized citizen’, we need to determine when citizens are non-dominated.<sup>24</sup>

According to Pettit, those goods that are instrumental to equal non-domination should be resourced and protected up to a minimal. In order not to be paternalistic or interfere unchecked in the will of others, this minimal should also mark the maximum. For individuals, these policies will have very positive consequences for their overall interest satisfaction. If they are ill, they will be helped to get back on their feet. If they are unable to communicate with others by normal means, they should be given the means to do so. To achieve ‘control over your own life’<sup>25</sup>, you have legitimate claims on others.

The threshold for proper non-domination is defined by the degree of the citizen’s discretion in making choices. We should have equal privileges of ‘discretion concerning some action’; i.e. the basic liberties.<sup>26</sup> The basic liberties are the civil and political rights that are ascribed to ‘persons or citizens’; they are recognized liberties ‘within a common range of choices that are important in everyone’s personal life’, and ‘[t]hey will include choices like those we exercise when we associate with willing partners in various ways’.<sup>27</sup> This leads to a standard list containing items such as freedom of thought, expression, religion, association, ownership, trade, and movement. To protect these liberties (or privileges) the state is needed to ensure that citizens remain ‘immune’ to the uncontrolled domination<sup>28</sup> or ‘uncontrolled interference’ of others.<sup>29</sup> Once a citizen’s command of such control is publicly recognized, citizens ‘command the respect of all’.<sup>30</sup> ‘If the society entrenches each against the danger of interference from others in the domain of the basic liberties, then it will count plausibly as a just society’.<sup>31</sup>

These basic liberties are also gateway goods. The state should provide citizens with the preconditions for participating in social life as citizens of equal standing through rights and institutional settings: ‘and on the basis of such public resourcing and protection, that you stand on a par with others’.<sup>32</sup> Non-domination demands more than Lockean non-interference.<sup>33</sup> Among ‘the resources to function adequately in your society’<sup>34</sup> are a public infrastructure, and welfare system.<sup>35</sup> Thus, for instance, ‘People must have access to shelter and nourishment, to treatment for medical need and support for disability ... and to support, if they need it, in their declining years’.<sup>36</sup> In particular, they should gain insurance against physical or social weaknesses to secure them the resources needed to achieve non-domination.<sup>37</sup> Through the welfare system, citizens ‘should be provided with social security, medical security and judicial security’.<sup>38</sup>

To Pettit, our vulnerabilities to domination come in a variety of forms, including structural, material inequality.<sup>39</sup> To a greater extent than T.H. Marshall<sup>40</sup>, Pettit's approach directs attention to 'special groups whose members are systematically vulnerable in their relationships to those in the relative mainstream'.<sup>41</sup> Pettit argues that to protect non-domination, vulnerable groups should enjoy a 'more or less constitutional guarantee of welfare provision, with some independent, depoliticized means of determining levels of provision'.<sup>42</sup> 'Those groups may be defined by age or employment, ethnicity or religion, gender or sexual orientation, language or migrant status'.<sup>43</sup> Pettit lists 'temporary or permanent disability, medical need or emergency, the loss of employment, the dependency often brought about by old age'.<sup>44</sup> A vulnerable group can also be a 'minority that is exposed to problems of a distinctive sort, be that minority a particular age group or refugee population or employment category'.<sup>45</sup>

Following in this direction, Pettit argues that 'Vulnerable groups' have a right to 'special insulation'.<sup>46</sup> For instance, 'public interest bodies' could 'represent' the interests of such groups<sup>47</sup> and give them  in the structural struggles among interest groups: 'the unemployed as against the employed, the elderly as against those in the prime of life, and so on'.<sup>48</sup> What we need is a public infrastructure, public insurance and public insulation of people against *danger from others*.<sup>49</sup> It should, of course, be remembered that all interests that can be represented are those that relate to the primary public good of non-dominated choice-making at a level that is minimally equal with other persons.

Apart from being able to satisfy a broad list of interests through the ways in which the main good (non-domination in the central areas of one's life) is resourced and protected, citizens in such a society are likely to be able to live out other interests on their own. Here Pettit distinguishes the public from the moral domain. One should be clear here that for Pettit, the private and public domains overlap in several ways. Both domains aim at furthering the preconditions for relational goods of attachment, virtue and respect. There are agent-neutral ways of protecting such agent-relative, but non-competitive goods. The major difference is that the moral domain allows for preference in a way the public domain does not. For Pettit, what he calls 'care' relates to a loving preference for the well-being of particular others to which one has a particular attachment in ways that involves discrimination. In a recent book, Pettit warns about the particularism of care. Since Pettit describes care as 'a single term for a complex form of indulgence in which you discriminate



in my favour’<sup>50</sup>, he has to distinguish care from the kind of respect that can take a non-discriminatory and therefore *civic* form (i.e. the “status respect” that Pettit favors).<sup>51</sup>

## II. Why study this theory?

Pettit’s ideas are very relevant in view of the strong political pressure to define the key commitments of public institutions. Theorists such as Pettit are ostensibly trying to close the gap between normative political ideals and reforms that limit the influence of ethics at the welfare state’s frontline.<sup>52</sup> There are few theories of justice that confront issues of care<sup>53</sup> head on, issues centered on ‘caring for small children, tending the ill, preparing meals and clothing, etc.’<sup>54</sup> Since many care theories are vague concerning the politically relevant ways of viewing how life is sustained through care by virtuous caregivers, they may lack political relevance.<sup>55</sup>

Pettit’s non-domination theory has several features that would appeal to many care thinkers and feminists: It is non-contractarian, not only metaethically<sup>56</sup>, but also in the sense that we start out by defining the human good and a life of equal status rather than asking what productive citizens have to offer others.<sup>57</sup> Moreover, care thinkers and feminists are likely to appreciate that Pettit readily acknowledges the existence of human dependency and vulnerability. In particular, Pettit appeals to those feminists who are concerned with social and political justice and structural inequalities.<sup>58</sup>

Interpreting the genealogy of the public use of the term ‘dependency’, Fraser and Gordon show how we have generally come to think of dependence and independence as each other’s opposites.<sup>59</sup> In the economic, sociological, political and individual registers of the meaning of dependence, dependence and independence stand at each end of the spectrum of moral and social status, good and bad. Dependence is to be feared.<sup>60</sup> In public discourse, dependence is often termed ‘narcotic’ and connects with unemployment, passivity, lack of discipline in outward action, with submission and ignorance of mind. In terms of fairness, dependence connotes attempts at getting something for nothing.<sup>61</sup> This reflects Tronto’s more general critique of philosophers’ ‘assumptions about human nature’ and in particular their thoughts about the relation between dependency and autonomy.<sup>62</sup> Again, Pettit’s views do not raise any red flags. As Pettit argues, in the public realm, since we are all vulnerable to domination, we are also all dependent on protection, resources and insurance.<sup>63</sup> No one can protect him or herself from domination without the support of others, and no-one can enjoy the status of equality without the support of others.

Furthermore, Pettit's picture of the non-dominated and equal citizen would seem to be uncontroversial, or at least less controversial, as an ideal than a picture that stresses the care dependency of fragile human beings. Especially among politicians, there is a growing consensus against 'passive conceptions of citizenship, being associated with earlier post-war Marshall-esque social rights, [that] perpetuate "welfare dependency", especially among certain groups, leading to their marginalization and social exclusion'.<sup>64</sup> In addition, among the disabled there is often insistence on 'their right to live independent lives'; they do not need care, but 'assistance'.<sup>65</sup>

Pettit is also concerned about the norms that dominate in society. Norms can undermine the idea that we are equal as citizens. This relates to Tronto's concern that the work ethic depends on care work, but that public esteem is not accorded to those who make the work ethic possible.<sup>66</sup> Perhaps the idea here is that the public esteem given to a 'self-made man' would be undermined if all the care given him when he was a child, ill, etc. would have to be recognized as well. This recognition would even undermine the idea of a self-made man. Again, it is far from clear that Pettit's theory is vulnerable to this critique. He is more than willing to scrutinize the general standards of esteem in society.<sup>67</sup> Nor is his defense of citizens' status dependent on their independent productivity.

Tronto argues that philosophers should open their eyes to the private domain and start viewing care as political rather than merely private or ethical.<sup>68</sup> Key care theorists agree with Pettit that we should think of the private and the public domain as both overlapping and distinct.<sup>69</sup> Care theorists such as Virginia Held argue that political institutions should prioritize justice, whereas 'institutions and persons in the wider domain should look primarily, I think, to the ethics of care'.<sup>70</sup> That means that 'welfare assistance, healthcare, daycare, or education' should be publicly financed to 'foster especially the values of care' while being politically directed by 'justice'.<sup>71</sup>

A focus on non-domination could be useful for discussing how to share the burdens of care. At this point, it should be admitted that Tronto points to an as yet underdeveloped aspect of Pettit's theory. Pettit has little to say about fairness in sharing the burdens of care work (to which everyone contributes and with which everyone complies), functionality in care work (universal schemes seem to have less perverse incentives than means-testing ones), and the specific nature of care work (the need for attentiveness to and respect for the particular individual's needs that may need articulation).<sup>72</sup> Focusing on care gives insight into the citizenship status of care receivers such as the elderly, children and disabled people,

as well as the caregivers, who are primarily women.<sup>73</sup> Such focus on care work is likely to strengthen our focus on the distribution of who gives care, and whether the distribution of care work and burdens of care are equally distributed among men and women.<sup>74</sup> If care work becomes central to the reproduction of human life from a political perspective, then themes related to care becomes central to political theory as Tronto and Held have pointed out: what are the existing relations, which hierarchy of norms exists, how can we motivate some to take upon them the tasks related to care work?<sup>75</sup> Recognizing care and dependency as central to welfare state practices would also form a basis for making comparative work about how different welfare regimes deal with the unpaid work of care-giving.<sup>76</sup> Could studies of care work not comprise a useful addition to Pettit's theory?

If we take our point of departure in Tronto's assertion that 'the private provision of care takes an enormous toll on women'<sup>77</sup>, and her question of 'what a just distribution of caring tasks and benefits' would look like<sup>78</sup>, then Anca Gheaus has convincingly defended 'universal, compulsory, and state-regulated childcare' with reference to the importance of avoiding domination.<sup>79</sup> This potential supplement to Pettit's position might thus be a way of bringing care work into theoretical consideration. In the following, I bring in the issue of whether care should be fully private. Professional care is one care ideal among many, and as Kremer puts it, is considered a nightmare for communitarians.<sup>80</sup> Here I shall simply assume that this ideal of care based on highly educated professionals is attractive, not least for women and for their full entry into to the labor market (i.e. guilt-free).<sup>81</sup> As Kremer puts it, only the ideal of professional care goes hand in hand with high full-time employment rates for mothers.<sup>82</sup> A public scheme that supplements private care seems well aligned with the the ideal of expressive egalitarian citizenship that Pettit's position involves.

Though Gheaus presents a number of strong arguments based on a plurality of value concerns, her argument for public provisions of high-quality care also takes a neo-republican form that would echo the instrumental approach of Pettit. The argument is that 'children are highly vulnerable to their caregivers', and 'hence there is a duty to ensure that children have several independent caregivers'.<sup>83</sup>

Providing nonparental care as a regular complement to parental care is the least we can do to loosen the parental monopoly on care for each child and thus take steps towards containing the high risks of such monopoly. For this solution to work, the nonparental care would have to be a robust source of

care: reliable, regular, professional, and coming from people or institutions that are independent of parents – to ensure that should parental care fail, the child can safely turn to the nonparental caregiver for help.<sup>84</sup>

Gheaus also argues in favor of freedom for women from care-giving obligations. If women are to have a free choice about how, whether and when to care, we need programs of professional care. She talks of the care obligations of families as principally a no-exit situation. These care relations, however, can overburden the caregiver. A very overburdened caregiver is generally not a good and robust caregiver (wherefore the non-domination of those cared for depends on alternative sources of care providers). Since the burdens of care work are still important in areas such as, child rearing, elderly care and caring for the sick, relatives will generally have a real choice not to care only if they know that their care interests are being met by other caregivers. Gheaus makes the argument that it is not only in special cases that care work can become overly burdensome. Care relations are often conflictual, and the burdens related to resentment. Women in particular may be dominated or compelled by social norms to give up their own live goals to care for children, spouse or aging parents. An ideal could be formulated of including care within the realm of citizenship, as the right to care and the right not to care, but without locking a person into one activity.<sup>85</sup>

Gheaus' arguments seem to be an adequate supplement to Pettit's position. We come closer to discussing 'inevitable human dependencies' including the care dependencies faced by the care worker.<sup>86</sup> There is thus a republican argument to free women from the care work in the families, but also to take seriously the dilemma that can arise when some women are liberated on account of others. In his ethical work, Pettit also argues that there are robust demands of attachment.<sup>87</sup> Realizing such forms of attachment takes a robustly caring and loving person who is open to the wishes of the other and actually responds to all the relevant wishes.<sup>88</sup> Pettit's republicanism commits him to the idea that the responses should be robust, in contrast to random.

Still, would this supplement to Pettit's political theory sufficiently fulfill the concerns of fundamental human dependency? In the following, I look closer at what might constrain Pettit from including these concerns under his umbrella concept of non-domination or to use his metaphor, what might make him 'close the gate'.

### III. Limits to care: Pettit's methodological constraints

Philip Pettit's position sets limits to care. How are these limits defended? Perhaps it is useful to describe what Pettit is offering by Hohfeldian terms, distinguishing rights as privileges, claims, powers and immunities.<sup>89</sup> A *privilege* is something A is protected in doing (or not doing) according to A's discretion; a *claim*, on the other hand, is something A can expect some B to do. Powers and immunities concern the democratic process and the robustness of our constitutional rights. Claims can take the form of a right of protection, provision or performance. Our basic liberties, then, are privileges, but they often involve claims as well. In the normal case, they are claims of protection against interference. In some cases, however, for adults they will involve provisions and performance. A sick person may need a doctor, a disabled person may need a wheelchair. The *performance* about which Pettit is concerned, as we will see, has two aspects: it should be instrumental, and it should be limited. Since we are vulnerable to domination and since we fear the inequality that follows from being dominated when humans interact, interaction should take place so that the citizen's sense of equality or self-respect is not harmed. In this sense, the doctor's interaction with her patient is different from the patient's interaction with a wheelchair. The former is a vulnerable relationship in which one will could manipulate or control the will of the other. In all cases, while such interaction includes face-to-face interaction and (hopefully) a respectful attitude, these activities make sense and are legitimate (non-paternalistic and non-dominating) only as long as they instrumentally promote the central areas of undominated choice up to a threshold. The 'gate-way good' argument, with its focus on a single good, sets limits to what relational forms of care ought to be provided.

Do citizens have a claim to a caring performance of the type indicated by the dying woman's wish for a hand-holder? Pettit offers a provisional 'Yes'. If the woman has good friends or loved ones, then they can expect such care. Among friends, care can be expected in a way almost similar to the respect the woman would expect in the public sphere. To Pettit, 'enjoying attachment' is central to 'living a good life', and this includes relations of care.<sup>90</sup> However, this attachment cannot be demanded from the public sphere, since the other person has the right to refuse to stand in a relation of attachment to me. Though care can be expected in friendships and love, it always has an element of a gift.<sup>91</sup> The only thing that can be demanded is respect, which involves all the resources and protections necessary to bring you as a choice-making person up to the minimal threshold of equality among

citizens. Thus, as a basic liberty, one has the right to associate with *willing* others. This means that others should protect and resource this right, not that they should associate with you.

Though this distinction reflects widespread intuitions, Pettit also wants to insist that 'The two domains are not only similar enough for us to expect uniformity between them ... the personal domain is so connected to the public that it cannot be plausibly governed by different principles'.<sup>92</sup> Pettit's discussion of the personal and the public domains involves complex philosophical debates about theories of value, the relationship between the right and the good, agent-relative and agent-neutral reasons of acting. Concerning the question of whether care is a personal claim, however, the primary work is done by what I will call 'methodological constraints'. Since these are argued to be broadly appealing, not much effort has been made to defend them. Nevertheless, these methodological constraints have severe consequences.

Using political philosophy to demarcate what we as citizens 'in a politically organized society can and should collectively provide for our members'<sup>93</sup>, Pettit relies not only on the gateway good of non-domination. He adds a set of constraints or filters. In the following, I shall discuss 6 constraints that are added to the fundamental non-domination constraint (the constraint saying that only non-domination is a legitimate public end). In alliance with the gateway good of non-domination, these 6 constraints circumscribe the scope and content of the goods protected by his welfare state standard. The 6 constraints are: 1) motivational realism, 2) the constraint of able-minded adulthood, 3) the eyeball test, 4) co-exercisability, 5) non-dependency and 6) individual-exercisability. The 6 constraints are presented as methodological considerations, but they end up marking the limits of state policies sanctioned by the theory.<sup>94</sup> I will seek to demonstrate here that these constraints are all neither as commonsensical nor as necessary as suggested by Pettit.

### 1. Motivational realism: The constraint of non-controversiality

If the ethical and the political should follow the same ends, how can we, as quoted above, limit '[t]he more personal complaints' that 'seem politically over-demanding'? Should we listen to what 'seems'? In the quote, Pettit points out that the more personal complaints 'generate a powerfully motivating agenda', but then adds that these 'complaints may fail to motivate appropriately. Their rectification falls short of what many of us feel that we in a politically organized society can and should collectively provide our members'.<sup>95</sup> In relation to this, Pettit claims that his theory 'does not ... make any idealizing assumption

about human nature'.<sup>96</sup> Since his theory is less dependent on 'a particular moral vision' than many other political philosophies, it is more likely to meet widespread public approval and be realistic in pushing social change.<sup>97</sup>

There are many ways to adhere to constraints of feasibility, but this particular way of doing so favors 'what many of us feel'.<sup>98</sup> It fits well with the 'gateway good' argument. If only we can get people in general to accept the value of non-domination, then we might be able to move them to accept the political preconditions for this ideal. It fits less well with the concern raised in this article. Two alternatives could be described. According to a *radical* tradition from Rousseau to Marx, 'what we feel is right' is shaped by education and habituation as well as by the structural features of our society. Our second nature is shaped by conditions that can be politically controlled and altered. Rousseau and Marx shared Pettit's concern with non-domination, but they also wanted to emancipate citizens from those habits and structures that shaped our second nature in ways that made us selfish and unconnected to others. It would thus be wrong to limit justice to what we feel is right under given circumstances. According to a *reformist* tradition, represented by Hegel and Durkheim, society could be reformed to satisfy the human desire to contribute in particular ways to shared ends. The Welfare State could thus be reformed to make sure that those who carried out the care tasks and took on the roles could find personal, nonalienated satisfaction. Thus, we should not limit justice to what people are willing to take upon themselves under non-reformed recognition structures.

Although we agree with Pettit that the question of what we ought to provide for others relates to the question of what we can *expect* people to provide others<sup>99</sup>, this particular motivational realism by which public care work is limited to what people feel they owe others under given social structures and recognition structures is quite controversial.

## 2. The able-minded adulthood constraint

Pettit specifies that his theory concerns only 'adult and able-minded' citizens', thus leaving out children and the not able-minded.<sup>100</sup> Though leaving out children reflects a long philosophical tradition, in Pettit's case it seems particularly problematic given that the ability to walk tall (see below) could be thought of as fundamentally developed in childhood.<sup>101</sup> In particular, we may think of care as a primary source of this ability to walk tall among others. To object-relations psychologists, care is essential for the 'primary bonds drawn between child and primary care-taker [which] are formative in how people continue to interact with others throughout their lives'.<sup>102</sup> Care is thus essential not only for

people's ability to make choices on a par with others but also for their willingness to show respect towards others from different segments of society.<sup>103</sup>

Regarding the term 'able-minded', the boundary between able-minded and non-able-minded adults is certainly not clear. 'Children and fools tell the truth', as the saying goes. From the perspective of care, the central point, of course, is that children and not so able-minded elderly may be more care-dependent than the ordinary adult. If we exclude these people from political consideration, we are also likely to leave out the care tasks that children and not so able-minded people put on other people. It thereby becomes a matter of chance whether the limits set on the state's care tasks are legitimate and fair once the theoretical veil is lifted, and the theory is applied in a real world setting where people have care needs and care tasks.

Feminists have argued that 'Dominant views ... inhibit this public conversation [about care] by concealing the need for care, and the skill, knowledge, and time required for care'.<sup>104</sup> To Kittay, there is a 'failure to include within political theory the concerns of fundamental human dependency and the gender-specific way in which concerns of dependency have been allocated'.<sup>105</sup> Pettit may thus be prone to the charge made by some feminists against postwar thinkers of social citizenship that they have placed too much emphasis on equal status to the neglect of equal care-giving and equal care-receiving. This tradition supposedly 'left aside the right to give and receive care'.<sup>106</sup>

In this light, the able-minded-adults-constraint becomes highly controversial. Nor is it clear that from the perspective of an elderly person who is able-minded, but not fully able-bodied, that the basic liberties, respecting us as citizens, continues to be more important than the attachments and forms of well-being and sensation that mark us as humans. Our interest in the basic liberties is likely to fade. Does it then make sense to tie all legitimate care claims to basic liberties? Should policies continue to offer the same set of basic liberties even if a person's focus changes with the lifecycle? Should we insist on the same abstract image of the person?

Fraser & Gordon suggest a distinction between 'necessary dependence [...] experienced particularly intensely in the beginning and the end of the life cycle' and 'dependence that is rooted in unjust and potentially remediable social institutions'.<sup>107</sup> This suggests not only that more could be said about those phases of the lifecycle about which Pettit says little, but also that there are phases in life where dependence is necessary.



Of relevance here are Daniel Engster's considerations on the role of care work in the Welfare State:

The definition of long-term care services should be broadened to recognize the importance of personal attentiveness, responsiveness, and respect in delivering long-term care and allowing long-term caregivers to take time to form relationships with their clients. It should also be expanded to include time for non-instrumental tasks.<sup>108</sup>

Seeing the person as wanting relations and sensations rather than the choices that mark us as citizens could lead to a broadened notion of dignity. As Kittay has argued, focusing instead on inclusion and care, people with cognitive disabilities may be seen to be loving, caring and capable of enjoying pleasurable experiences and sensations.<sup>109</sup> She argues that giving and receiving care is no less a source for dignity than reasoning capacities.<sup>110</sup>

Pettit follows a long philosophical tradition of not discussing 'the needs of humans to be cared for at they grow up, live and die'<sup>111</sup>, and in this sense, he might be said to neglect the kind of care that 'consumes much of human activity'.<sup>112</sup> As Leif Wenar points out, twentieth century political philosophy has been marked by a deep controversy over will- and interest approaches to rights legitimation. To will theorists, freedom of choice is what legitimate rights. To interest theorists, it is well-being interests. Both believed that they grasped people's shared intuitions best.<sup>113</sup> Siding with the choice theorists in this debate is not a neutral choice. In particular, Wenar points to will theory's inability 'to account for the rights of incompetent (e.g., comatose) adults, and of children'.<sup>114</sup> Pettit defends the respect for the non-dominated maker of choices, but he actually also acknowledges our desire for attachment. Though we want to have our will respected, we also have an *interest* in not having a lower status than others. It is not clear why interests of attachment should be limited in the way Pettit does, to those that fall under the heading of basic liberties.

### 3. The eyeball test in light of the second constraint

To Pettit, the status of non-domination is achieved when a citizen can pass 'the eyeball test'.<sup>115</sup> The eyeball test is meant to capture what it means to be a non-dominated, equal citizen who can work as an intuitively graspable heuristic in light of which the minimal content of welfare provisions can be determined.<sup>116</sup> Because the basic liberties are linked to the eyeball test at a psychological level, the test is capable of determining which levels of resourcing and support citizens need in order to convert basic liberties into genuine

options.<sup>117</sup> The eyeball test generally determines the politically appropriate level of state responsibility.<sup>118</sup>

Citizens enjoy full citizenship when they ‘are enabled by the most demanding standards to look one another in the eye without reason for fear or deference. They are able to walk tall’.<sup>119</sup> To understand the essentials of this test, think of a person A who can look anyone, supposedly superior B, in the eyes and still walk tall; that is, A can do what A wants to do with no fear that B will seek to get his or her *will* without consulting the interests of A. To Pettit, ‘the eyeball test requires that people should be so resourced and protected in the basic choices of life – for short, the basic liberties – that they can look others in the eye without reason for fear or deference of the kind that power of interference might inspire’.<sup>120</sup>

The eyeball test is thought to work as a guiding heuristic because it is intuitively understandable and broadly appealing. My focus in the following will be on how this eyeball test is likely to be understood differently if we rejected the able-minded adult constraint. On closer inspection, this apparently intuitively appealing heuristic allows for conflicting interpretations, why the limits it sets for care work becomes unclear. First, it should be noticed that the heuristic trades on the fact that looking others in the eyes is often related to respect as well as the experience of deep, joyful and caring relationships and thereby blurs the distinction between the respect that can be commanded and care that is a gift. Notice then that the eyeball test is not actually about looking each other in the eyes in a manner that expresses either care or respect for the other. All Pettit is actually describing is an image of a potentially weaker part that is resourced and protected in relation to a stronger part. Notice, then, that the potentially stronger part is *not* forced to look the other in the eyes, but only enjoined not to interfere or dominate the weaker. Thus, what Pettit really says is that you do not have the right to claim an acknowledging look from another person. Nothing reciprocal is guaranteed. You have the right to be somewhat resourced and protected, given that you are not too timid. You have the right not to feel so low about your status that you fear to look up when passing by another citizen. Whether this other bothers to look at you or sees right through you is a private concern of theirs. Clearly, some forms of invisibility that a member of a stigmatized minority may experience are likely to be countered by Pettit’s approach.<sup>121</sup> Nevertheless, if you aspire in a reciprocal and mutually recognizing way to look others in the eye, you may get deeply disappointed by what Pettit offers.

What is so intuitively appealing about Pettit's eyeball test is the idea of actually looking others in the eyes, not just unfearingly looking up and seeing others walking by (without being noticed at all). Since it is the latter he protects, we may wonder whether the heuristic is actually able to guide us. After all, the connection between walking tall and being able to look at others (without flinching) is not as clear as it first appeared. The restricting heuristic may thus promise more than it offers. This is problematic, as it was meant to guide us in setting the right limits to what citizens could ask from others.

The care that normal adults need is also strangely neglected by the masculine ideal of walking tall. Though you sit protected in your car, you might suddenly need the physical help of others. After a car accident, you may not need to go the hospital, but it is still good to have a doctor check to make sure you are not injured. Here, it is not just a question of the doctor asking you whether you are feeling OK, but of checking your bodily and mental state. Anyone may get something in the eye, faint and need the assistance of others, or they may worry about their health and need the assistance of professionals and specialists. Pettit wants to think of the help we need as basic *assistance*, such as fitting glasses, crutches and wheelchairs. Often, however, what is effective in terms of getting us back on track after a shock is that somebody is looking straight at us, giving us their full, undivided, caring attention, recognizing us as vulnerable, asking how we are doing, and if necessary, using his or her own body to examine or comfort us. Here the 'looking someone in the eyes' actually has the actual meaning of looking others in his or her eye, but it entails a very different interpretation to the kind of limitations that Pettit wants to place upon public care tasks.

What is respected here is you not as a potential choice-maker, but as a human being. Your choice-interests might thereby be protected, and expanding choices should be given priority, but if choices could be somewhat expanded without a caring form of communication or caring concern, something important would be lacking. Removing this caring dimension might affect the citizens' sense of being at home in society and thus their very reasons to make choices at all.

#### 4. Co-exercisable basic liberties

According to the *collective-exercisability-constraint*, Pettit limits the basic choices that political institutions should promote and entrench to those choices that are 'capable of being exercised by each, consistently with being exercised by all'.<sup>122</sup> As he puts it, 'people

must be able to exercise any one of the choices in the set, no matter how many others are exercising it at the same time'.<sup>123</sup>

Pettit presents this constraint as a rational and logical feature of his theory. Considering our concern with care claims that relate to performing acts of friendship in this article, however, this constraint implies serious limitations to what people can expect in terms of public provisions of care. Since we cannot all receive intensive and friendly care at the same time, this constraint makes it impossible to make such forms of care a basic liberty. This is particularly hard on relational care that is labor intensive and often asymmetrical, in the sense that one party is unable to reciprocate care. The baby or frail elderly cannot at the same time care for the care-giving adult. With modern machinery, one person can produce enough food to feed a city, and in these ways, this procedural restraint favors certain forms of care but not relational care of the kind indicated by the hand-holding example mentioned in the beginning of this article.

It should be noted, however, that Pettit admits of rules that would allow us to expand the set of basic liberties<sup>124</sup> as long as we keep in mind that 'No rule will be appropriate that compromises the project of providing suitable protection for personally significant liberties that every member of society is to be able to co-enjoy equally'.<sup>125</sup> Following my argumentative strategy of seeing feminist concerns as an attractive add-on to Pettit's theory, and following the reformist strategy sketched above, we might consider a scheme of professionalized public 'friendly' care work and think of it as a rule-based system that would allow us to include care receiving and the freedom to choose how and when to care among the basic liberties. After all, life has its own "rules" which means that at one period in time, not everyone will be a care-dependent baby or care-dependent elderly. Due to a person's life cycle, we do not all have the same need for care at any given period in time. Hence, the co-enjoyability constraint can be lifted, it seems. This idea seems compatible with Pettit's concern 'not to introduce rules that give [...] wide discretion to public officials that protection against those very officials is compromised'.<sup>126</sup>

Here, I would make the empirical assumption that given the right institutional and socio-economic settings, a number of adults are likely to find care work personally attractive. Given the right premises, they may be willing to engage in caring relations to fellow citizens. I believe this argument can be made without making idealized assumptions about human nature. Once we consider the life cycle perspective and the ways in which care workers can be motivated to provide systematic care, it turns out that the proposal to see

welfare states as promoting and protecting both independence and relations of care does not rely on accepting the controversial view that *all* are willing to provide care for strangers. The co-exercisability constraint thus arbitrarily limits a discussion of what citizens ought to provide for others.

### 5. The non-dependency constraint

Even if we would be able to bypass the co-exercisability constraint in an attempt to provide a system of public ‘friendly’ care provision as an add-on to Pettit’s theory, we would have to face the severe obstacle of his next constraint. Any public scheme of care work will have to survive Pettit’s *non-dependency constraint*, which states that ‘any resourcing we provide for you will be suitable only if we can provide it in a way that does not introduce dependence on any particular agent or agency’.<sup>127</sup>

Why should we accept this constraint? It follows from the ideal of non-domination that citizens should not live under unchecked potential interference. For this it seems that citizens *depend* on institutions that check and empower, protect and resource. It is thus not dependency itself, but dependence on a *particular* agent or agency that forms a problem for Pettit.

One interpretive strategy would be to say that Pettit believes that we *are* dependent on others and that what we should avoid, following Gheaus’ argumentation, is a monopoly of dependence. Apart from safeguarding checks, filters and norms in relation to professional care workers,<sup>128</sup> Pettit’s model seems to favor instrumental, mechanical help where cash follows the user of public services rather than the institution since this lessens the chance that agents or agencies will come to dominate the care-dependent. This preference for non-relational care expresses a greater concern with the value of non-domination over the value of potential long-term relationships between public agents, agencies and citizens. In light of the possibility of removing the adult able-minded constraint and rethinking the eyeball test, it might be possible to make ‘friendly’ care a robust public good. This would involve broadening Pettit’s interpretation of care, according to which care is a form of favoritism that cannot be commanded but takes the form of a gift. Professional care provisions could be offered that would involve relational care in a manner that imitated some elements of attachment, love and friendship, but would be bound by a professional ethos that required the professional care worker to show this form of care to any client (for lack of a better word) irrespectively of personal favouritism and emotional attachment.

## 6. The individual–exercisability–constraint: the normal person

If my proposed corrective to Pettit’s model, that of a public ‘friendly’ care program, should survive this far, it seems to come to a full stop against Pettit’s next individual–exercisability–constraint, which states that the choices promoted should be limited to those that everyone can exercise on their own, without the voluntary cooperation of others. In the *individual–exercisability–constraint*, Pettit rules out goods that are inherently social, including, I suspect, relations of care. He provides the following reason: ‘no one can be sure of being able to choose to do something that involves the cooperation of another ... the only choices that ought to be entrenched as basic liberties are choices that are within everyone’s reach with some basic assistance from common resources’.<sup>129</sup> As he puts it, the state’s focus should be on ensuring ‘choices in the exercise of which we do not depend on the *voluntary* cooperation of others’.<sup>130</sup> Summing up, ‘Any choices to be entrenched as basic liberties, then, should be limited to the things that any normal, able–minded adult can do on their own in any normal, habitable environment, at least with assistance from a common pool of resources’.<sup>131</sup> In light of the arguments made above, and if the scheme of public provisions of high–quality care is realistic, as I think it is, this restraint is arbitrary.

Clearly, the different constraints cohere, and of course, Pettit’s argument has the air of common sense logic to it, in so far as we accept the adult able–minded constraint. Nobody can expect cooperation since others have the right to say ‘No’ when invited to dance with you, be your friend or have sex with you. Nevertheless, the *individual–exercisability–constraint* cannot mean that no cooperation is likely, or that specific institutional setups are not likely to influence the likelihood of cooperation. This brings us back to the first constraint and the radical and reformist alternatives. Much great philosophy and sociology confronts the question of how the aspirations of pluralistic individuals might combine, leading to shared cooperation.<sup>132</sup> Though Plato had a totalitarian solution to the problem of cooperation, liberals like Rawls and democrats like Dewey seem to have no problem basing their political theories on the basic assumption that humans are cooperative. The rule of law likewise seems to depend on the cooperation of others, just as our ability to speak a language depends on expecting that others will continue to generally attach the same meaning to a sentence tomorrow as they do today. It is not only a common sense empirical fact about basic features of our market societies that we cooperate. In terms of care work, if parents fail to provide for their children, or if children are unable to care for their parents in old age, it seems straightforward to claim that the care–dependent should be able to

expect some additional forms of cooperation. If not, society would suffer from a moral failure. Hence, it seems reasonable to expect that the state should be able to ensure that all citizens can receive a ‘friendly’, not just a respectful form of care.

This analysis of Pettit’s constraints revealed that Pettit leaves out something of importance from his picture: the life cycle perspective. Though he does so openly, he fails to recognize that this neglect has several consequences for the limits he puts on state tasks.<sup>133</sup> First, since some people will carry out the care work, there will be a debate about who should do it. As we saw, the theory could be thought to offer some guidance. However, this would lead to a scheme of publicly provided care in ways that would involve care tasks different from those needed for the normal adult. Here, the theory would then have little to say. Second, the theory limits the state’s legitimate tasks to those described above. This endangers children and less able-minded adults, who are looking for protection of goods that are important to them but might not be as salient to the able-minded adult. As Engster points out, the purpose of public institutions is precisely to coordinate and provide what we are unable to secure on our own. It seems wrong to limit those tasks by methodological considerations rather than moral considerations, thick descriptions, institutional imagination and democratic debate.

#### IV. Conclusion

The fact that there are abundant care gaps should not automatically entail that we rule out care claims as illegitimate. Considering the case of the dying woman in need of hand-holding, given the preconditions indicated in the introduction, there is every reason to argue that this form of care should be an essential care work task for frontline public sector care workers. In fact, this kind of ‘hand-holding skill’ should be an essential part of job descriptions of all public professionals (i.e. not only the usual ‘care workers’ but also e.g. police personnel). This physical care and soothing, similar to what a caring parent or friend would give to a child or friend in distress, particularly given that you were the one standing closest, is less and less thought of by policymakers as a public task. Yet it is not clear whether the public should, in some limited but essential moments, be obliged to imitate the role of a friend or a parent rather than merely provide the rehabilitation measures of a coach, doctor, optician or physiotherapist.

In contrast, Pettit’s methodological constraints are dismissive of relational, ‘friendly care’. Perhaps a normative ontology underlies Pettit’s constraints. Whereas Kittay, Nussbaum,

MacIntyre, Engster, Tronto and others warn against the fiction of the normal independent citizen, who gets by with just some basic facilitation and insurance, Pettit puts ‘emphasis on the importance of ... attaining personal independence’<sup>134</sup> and defines ‘the supreme goods’ as ‘independence’<sup>135</sup>, ‘non-dependency,’ or ‘independency upon the will of another’.<sup>136</sup> Pettit seeks to draw attention to the ideal that political structures can ensure that ‘however deeply they [i.e. citizens] bind themselves to one another ... they do so freely reaching out to one another from positions of relatively equal strength’.<sup>137</sup>

To the neo-republican tradition that Pettit relies upon, freedom is the status citizens have when they have the security following from institutional, legal and financial ‘bodyguards’:

The ‘laws’, ‘norms’ and institutions that secure social justice and ‘establish you as a free person provide you with freedom in the way that antibodies in your blood provide you with immunity ... the antibodies don’t have to do anything causal to make you immune; they don’t bring about your immunity, as they might bring about a distinct effect. They make you immune just by being there.’<sup>138</sup>

Freedom is thus more likely to be enhanced by promoting exit options<sup>139</sup> than by supporting institutions of relational, and social freedom.<sup>140</sup>

To Pettit, care involves ‘discrimination’.<sup>141</sup> In contrast, public professionals may be thought of as driven by an ethos to provide proper care to all those who need special attention within the professional’s domain of supervision. Here, care work favors those defined as needy, not someone whom the professional happens to favor. Thinking of care as not necessarily involving favoritism of an arbitrary nature, providing non-domination, given the gateway good-argument, could involve realizing all the publicly relevant forms of care. After all, it might not be the distinction between care and respect that is the problem but whether care is left out on arbitrary grounds.

This claim might be rejected given concerns with feasibility. Where is this public ethos going to come from? According to theorists of recognition going back to Rousseau and Hegel, the desire for recognition is a powerful force in humans that can be made useful by encouraging citizens to seek esteem on the basis of usefulness, duty and reason.<sup>142</sup> People do not strive for recognition in the sense of fame and comparative status, but also for public confirmation of their social commitments. Expressing our social commitments through differentiated forms of work regarded as useful by others is a primary expression of



solidarity that supplements the social integration that follows from realizing the immediate individual benefits of cooperation. Public care work can be personally as well as socially rewarding if care workers can see themselves as recognized for performing socially necessary work that makes sense in the particular case as well as society's overall frame.<sup>143</sup>

As it stands, Pettit's theory is ill-suited to give us as a sense of 'the enormous value of caring activities on which society relies'.<sup>144</sup> This is particularly the case when we view humans and our interactions in a life cycle perspective. The minimal sketch of an alternative vision of care work should be enough to show that programs for relational goods are not as controversial as Pettit would have us believe. Demands for the more comprehensive inclusion of public care work emerge in light of preconditions for reproducing a good society that lives up to Pettit's minimal requirements once we recognize the life cycle perspective. A central question would then be how to include Pettit's concern with non-domination. For now, the gate does not open and his theory does not allow for the relevant discussions of the public role of care.

Discussions of the public role of care are crucially needed. As Benner & Gordon point out, 'if caring practices are to be sustained, the nature and content of those practices must be uncovered and the social-political conditions and institutional structures and environments that foster caring practices – and the strategies that nurture them – will have to be worked out in a public discourse'.<sup>145</sup> Rather than thinking of caring practices as a threat to equal respect, we may think of the virtues of caring attentiveness as a precondition for democracy.<sup>146</sup> As Tronto puts it, 'The failure to be attentive is perhaps most chillingly described in Arendt's account of the 'banality of evil' which she found personified in Adolf Eichmann'.<sup>147</sup> Since attentiveness does not come without training and competence, we would get a further reason for caring about how caring practices are institutionalized in society.<sup>148</sup>

Without further discussion, in the not too distant future of care facilitation robots, these would be favored for humans, as they are less likely to dominate. The request for a hand to hold would fall beyond the canonical complaints, unless the one asking was fortunate enough to be surrounded by willing others. I have argued that favoring instrumental and respectful care to 'friendly' and relational care is, in Pettit's case, founded upon methodological constraints that rest on the problematic assumption that a theory of justice concerns able-minded adults only.

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<sup>1</sup> Thanks to Bjarne Jørgensen for bringing this case to my attention.

<sup>2</sup> Kremer Monique, *How Welfare States Care* (Amsterdam: Amsterdam University Press, 2007), p. 17.

<sup>3</sup> Joan Tronto, ‘Care as the Work of Citizens: A Modest Proposal’, In Marilyn Friedman (ed.), *Women and Citizenship* (New York: Oxford University Press, 2005), pp. 130–145; Kremer, *How Welfare States Care*, p. 39; Daniel Engster, *Justice, Care, and the Welfare State* (Oxford: Oxford University Press, 2015), p. 18, 128.

<sup>4</sup> Many philosophical questions will be left unanswered, such as: What is the ontological status of caring? What attitudes and value orientations will care it involve? What exactly about the other is it that deserves care? Does the attitude of care contrast with an objective or universalizing standpoint? Does care mean satisfying preferences or protecting the overall well-being? Can care be (non)paternalistic? Neither will it offer clear policy recommendations. Though the article has some affiliation with approaches that seek thick descriptions of caring practices (Selma Sevenhuijsen, *Citizenship and the Ethics of Care: Feminist Considerations on Justice, Morality and Politics* [New York: Routledge, 1998]), this paper does not attempt to offer a clear description of the central care that the public should support.

<sup>5</sup> Joan Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care* (New York: Routledge, 1993), p. 4, 6ff.

<sup>6</sup> ‘The demand associated with an attachment like love or friendship, however, is quite different from the demand associated with ... respect, ... since it must be particularized in favour of the beneficiary.’ Philip Pettit, *The Robust Demands of the Good: Ethics with Attachment, Virtue, and Respect* (Oxford: Oxford University Press, 2015) p. 211.

<sup>7</sup> Pettit, *Just Freedom*, p. 189.

<sup>8</sup> Tronto, *Moral Boundaries*, p. 106, 114f.

<sup>9</sup> Ibid.: 107.

<sup>10</sup> Ibid.: 111.

<sup>11</sup> Ibid.: 122.

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<sup>12</sup> Ibid.: 113.

<sup>13</sup> Ibid.: 122.

<sup>14</sup> Philip Pettit, *On the People's Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2012), p. 88.

<sup>15</sup> Patchen Markell, 'The Insufficiency of Non-domination' *Political Theory*, 36 (2008): 9–36; McBride, C. 'Freedom as Non-domination', *Critical Review of International Social and Political Philosophy* 18(4) (2015): 349–374; Garrau, Marie & Cécile Laborde, 'Relational Equality, Non-Domination, and Vulnerability', in Carina Fourie, Fabian Schuppert, and Ivo Wallimann-Helmer (eds.), *Social Equality* (Oxford: Oxford University Press, 2015), pp. 45–64.

<sup>16</sup> Pettit, *On the People's Terms*, p. 1.

<sup>17</sup> Ibid. pp. 17, 82f, 92ff.

<sup>18</sup> Pettit, *Republicanism*, p. 247; Pettit, *Just Freedom*, p. xix; Pettit, *On the People's Terms*, p. 127.

<sup>19</sup> Pettit, *Just Freedom*: xix, See also Pettit, *On the People's Terms*, p. 3.

<sup>20</sup> Pettit, *Republicanism*, p. 81.

<sup>21</sup> Pettit, *On the People's Terms*, p. 82.

<sup>22</sup> Pettit, *Just Freedom*, p. 60f; Compare Pettit, *Republicanism*, pp. 70f, 132; *On the People's Terms*, p. 1f.

<sup>23</sup> Pettit, *Republicanism*, p. 145.

<sup>24</sup> Pettit, 1997, p. 260 compare p. 36.

<sup>25</sup> Pettit, *Republicanism*, p. 70.

<sup>26</sup> Leif Wenar, 'The Nature of Rights', *Philosophy & Public Affairs* 33(3) (2005) 223–252 (227f).

<sup>27</sup> Pettit, *Just Freedom*, pp. 64f, 72; See also *On the People's Terms*, p. 103.

<sup>28</sup> Pettit, *Republicanism*, p. vii.

<sup>29</sup> Pettit, *On the People's Terms*, p. 58.

<sup>30</sup> Pettit, *Just Freedom*, 99.

<sup>31</sup> Pettit, *Just Freedom*, p. 73; *On the People's Terms*, pp. 18, 76, 87f.

<sup>32</sup> Pettit, *Just Freedom*, p. 60.

<sup>33</sup> Pettit, 1997, p. 55, *On the People's Terms*, p. 59.

<sup>34</sup> Pettit, *Just Freedom*, p. xix.

<sup>35</sup> Pettit, *Just Freedom*, p. 37f. See also Pettit, *On the People's Terms*, p. 69 and Pettit, *Republicanism*, p. 235, 244.

<sup>36</sup> Pettit, *Just Freedom*, p. 87.

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<sup>37</sup> Ibid.

<sup>38</sup> Pettit, *On the People's Terms*, p. 112.

<sup>39</sup> Pettit, *Just Freedom*, p. 91. As 'coercion of the body', enslavement, subjection, 'exploitation' or 'manipulation', 'agenda-fixing; the deceptive or non-rational shaping of people's beliefs or desires, or the rigging of the consequences of people's actions' (i.e. their perception of their 'range of options' and 'expected payoff') (Pettit, *Republicanism*, p. 159, 53). Its forms may depend on 'natural or legal or cultural obstacles' (Pettit, *Republicanism*, p. 84) as well as 'physical strength, technical advantage, financial clout, political authority, social connections, communal standing, informational access, ideological position, cultural legitimation' (Pettit, *Republicanism*, p. 59).

<sup>40</sup> Marshall, T.H. (1965) [1950]. *Class, citizenship and social development* (Cambridge: Cambridge University Press.

<sup>41</sup> Pettit, *Just Freedom*, 91f.

<sup>42</sup> Pettit, *Republicanism*, p. 162.

<sup>43</sup> Pettit, *Just Freedom*, p. 92f.

<sup>44</sup> Ibid.: 87.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.: 93.

<sup>47</sup> Ibid.: 127.

<sup>48</sup> Ibid.; See also *Republicanism*, pp. 11, 22, 55, 56, 58, 191, 193, 232, 247f.

<sup>49</sup> Pettit, *On the People's Terms*, p. 110, compare *Republicanism*, p. 122, 141, 162, 184f, 188, 190, 197, 201, 276.

<sup>50</sup> Pettit *The Robust Demands of the Good*, p. 12

<sup>51</sup> Ibid., 75.

<sup>52</sup> H.O. Stensöta, 'The Conditions of Care', *Public Administration Review* 70(2) 2010: 295–303.

<sup>53</sup> Tronto, *Moral Boundaries*, p. 125.

<sup>54</sup> Ibid.: 151.

<sup>55</sup> Tronto, *Moral Boundaries* pp. 127, 139; Engster, *Justice, Care and the Welfare State*, pp. 24, 154. This, of course, is true of most political philosophy (Engster, *Justice, Care, and the Welfare State*, 2).

<sup>56</sup> Baron, Pettit, Slote, *Three Methods of Ethics*, 136ff.

<sup>57</sup> Fraser, N., & Gordon, L. (1992) 'Contract versus Charity', *Socialist Review* 22(45–68) (64f); Alasdair C. Macintyre, *Dependent Rational Animals* (Chicago, Ill.: Open Court, 2001), p. 14; Nancy Fraser & Axel Honneth, *Redistribution or Recognition?* (London: Verso, 2003).

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- <sup>58</sup> Costa, M Victoria, 'Is Neo-Republicanism Bad for Women?' *Hypatia* 28(4) (2013): 921–936 (925); Garrau, & Laborde, 'Relational Equality, Non-Domination, and Vulnerability'.
- <sup>59</sup> Nancy Fraser & Linda Gordon, 'A Genealogy of Dependency', *Signs* 19 (1994): 309–336; compare Martha C. Nussbaum, *Frontiers of Justice* (Cambridge, Mass.: The Belknap Press, 2006).
- <sup>60</sup> Fraser & Gordon, 'A Genealogy of Dependency', p. 312ff.
- <sup>61</sup> Ibid.: 315–327.
- <sup>62</sup> Tronto, *Moral Boundaries*, p. 162f
- <sup>63</sup> Garrau & Laborde, 'Relational Equality, Non-Domination, and Vulnerability', p. 52ff.
- <sup>64</sup> Steven R. Smith, 'Citizenship and Disability', *Critical Review of International Social and Political Philosophy* 16(3) 2013: 403–420 (404).
- <sup>65</sup> Eva Feder Kittay, 'The Ethics of Care, Dependence, and Disability' *Ratio juris*, 24(1) (2011): 49–58 (50)
- <sup>66</sup> Ibid.: 165f, 157.
- <sup>67</sup> See Pettit, *Republicanism*; Geoffrey Brennan, & Philip Pettit, *The Economy of Esteem: An Essay on Civil and Political Society* (Oxford: Oxford University Press, 2004).
- <sup>68</sup> Tronto, *Moral Boundaries*, p. 9, 10, 151, 168.
- <sup>69</sup> Engster, *Justice, Care, and the Welfare State*, 17ff.
- <sup>70</sup> Virginia Held, 'Care and Justice, Still', in Daniel Engster & Maurice Hamington (ed): *Care Ethics and Political Theory* (Oxford: Oxford University Press, 2015), pp. 19-36 (p. 27); Engster, *Justice, Care, and the Welfare State*, 25.
- <sup>71</sup> Virginia Held, 'Care and Justice, Still', p. 28.
- <sup>72</sup> Daniel Engster, *The Heart of Justice* (Oxford: Oxford University Press, 2007), pp. 54, 55, 72, 73, 74, 77, 79, 82.
- <sup>73</sup> Kremer, *How Welfare States Care*, p. 27.
- <sup>74</sup> Nancy Fraser, *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis*, (New York: Verso, 2013), p. 134; Knijn & Kremer, 'Gender and the Caring Dimension of Welfare States'.
- <sup>75</sup> Sander-Staudt, M. 'Care Ethics', *Internet Encyclopedia of Philosophy*, (2011). Retrieved from <http://www.iep.utm.edu/care-eth/>. Date of access April 14<sup>th</sup> 2016.
- <sup>76</sup> Peter Taylor-Gooby, 'Welfare State Regimes and Welfare Citizenship', *Journal of European Social Policy* 1(2) (1991): 93–105.
- <sup>77</sup> Tronto *Moral Boundaries*, p. 119.
- <sup>78</sup> Ibid.: 169.

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- <sup>79</sup> Gheaus, Anca, 'Arguments for Nonparental Care for Children'. *Social Theory and Practice*, 37(3) (2011) 483–509; For ways of broadening this way of argument to a scheme for publicly supported eldercare, see Engster, *Justice, Care, and the Welfare State*, 154, 158.
- <sup>80</sup> Kremer, *How Welfare States Care*, p. 31.
- <sup>81</sup> Ibid.: 22.
- <sup>82</sup> Ibid.: 247.
- <sup>83</sup> Gheaus, 'Arguments for Nonparental Care for Children', p. 502.
- <sup>84</sup> Ibid.: 504.
- <sup>85</sup> Kremer, *How Welfare States Care*, p. 253
- <sup>86</sup> Eva Feder Kittay, 'A Feminist Public Ethic of Care Meets the New Communitarian Family Policy', *Ethics* 111(3) (2001): 523–547 (527), cf. Gheaus 'Arguments for Nonparental Care for Children'
- <sup>87</sup> Philip Pettit, *The Robust Demands of the Good*.
- <sup>88</sup> Pettit, *The Robust Demands of the Good*, p. 21.
- <sup>89</sup> I am inspired here by Wenar, 'The Nature of Rights'.
- <sup>90</sup> Pettit, *The Robust Demands of the Good*, p. 1.
- <sup>91</sup> Ibid., p. 76.
- <sup>92</sup> Ibid., p. 232. Compare Jürgen Habermas, *Justice and Application: Remarks on Discourse Ethics* (Cambridge: Policy Press, 1993) p. 60.
- <sup>93</sup> Pettit, *On the People's Terms*, p. 1.
- <sup>94</sup> A central inspiration could be 'the constraints of simplicity' described by Rawls in *Political Liberalism* that were meant to secure widespread support from plural normative perspectives. See J. Rawls, *Political liberalism* (New York: Columbia University Press, 1993), p. 182; Marcia W. Baron, Philip Pettit, Michael Slote, *Three Models of Ethics: A Debate* (Oxford: Blackwell, 1997) p. 93, 114.
- <sup>95</sup> Pettit, *On the People's Terms*, p. 1.
- <sup>96</sup> Pettit, *On the People's Terms*, p. 124.
- <sup>97</sup> Pettit, *On the People's Terms*, 94.
- <sup>98</sup> To David Miller, 'Political philosophy *should* be in the business of changing political attitudes' (David Miller *Justice for Earthlings. Essays in Political Philosophy* (Cambridge: Cambridge University Press, 2013) p. 37).
- <sup>99</sup> Compare Frederick Neuhaus, *Rousseau's Theodicy of Self-love* (Oxford: Oxford University Press, 2008), p. 195.
- <sup>100</sup> Pettit, *On the People's Terms*, p. 87, 297. Earlier, Pettit defended 'equal respect for all' (Philip Pettit, 'Towards a Social Democratic Theory of the State', *Political Studies*, 35

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(1987): 537–551 (538) but now takes ‘citizens ... to comprise ... in ... all ... who, being adult and able-minded, can play an informed role at any time in conceptualizing shared concerns and in shaping how the state acts in furthering those concerns’ (Pettit, *On the People’s Terms*, p. 75).

<sup>101</sup> Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, (Cambridge, MA: MIT Press, 1996).

<sup>102</sup> Tronto, *Moral Boundaries*, p. 123.

<sup>103</sup> Elizabeth Anderson, *The Imperative of Integration*. (Princeton: Princeton University Press, 2010).

<sup>104</sup> Patricia Benner, & Suzanne Gordon, ‘Caring Practice’. In *Caregiving*, ed. Suzanne Gordon, Patricia Benner, and Nel Noddings (Philadelphia, PA: University of Pennsylvania Press, 1996) p. 49

<sup>105</sup> Eva Feder Kittay, ‘A Feminist Public Ethic of Care Meets the New Communitarian Family Policy’, *Ethics* 111(3) (2001): 523–547 (530).

<sup>106</sup> Knijn, T., & Kremer, M. ‘Gender and the Caring Dimension of Welfare States: Toward inclusive Citizenship’ *Social Politics*, 4(3) (1997): 328–361 (331)

<sup>107</sup> Nancy Fraser & Linda Gordon, “‘Dependency’ Demystified”, *Social Politics* 1 (1) (1994): 4–31 (24).

<sup>108</sup> Engster, *Justice, Care, and the Welfare State*, p. 154.

<sup>109</sup> Kittay, ‘The Ethics of Care, Dependence, and Disability’, p. 52.

<sup>110</sup> Ibid.

<sup>111</sup> Tronto, *Moral Boundaries*, p. 3.

<sup>112</sup> Tronto, *Moral Boundaries*, p. 104.

<sup>113</sup> Wenar, ‘The Nature of Rights’, p. 223.

<sup>114</sup> Wenar, ‘The Nature of Rights’, p. 240.

<sup>115</sup> Freedom of choice is paramount in Pettit’s theory (Pettit, *On the People’s Terms*, 8; Pettit, *Just Freedom*, xviii, 16, 29, 31f), but sometimes the role of choice in his theory is a little unclear (Pettit, *Republicanism*, p. x, 52; Pettit, *On the People’s Terms*, x, 50, 103; compare Pettit, P. (2007) ‘A Republican Right to Basic Income?’ *Basic Income Studies*, 2(2), 1–8: 4; Pettit, *On the People’s Terms*, p. 88; and Philip Pettit, ‘Capability and Freedom’, *Economics and Philosophy*, 17(1), 1–20 (2001) (4, 16f).

<sup>116</sup> Philip Pettit, *Just Freedom: A Moral Compass for a Complex World* (New York: W.W. Norton & Company, 2014), pp. 61, 87; cf. Pettit, *On the People’s Terms*, pp. 112, 126; Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford Clarendon Press, 1997), 158ff.

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- <sup>117</sup> Pettit, *On the People's Terms*, p. 82, 87, 110.
- <sup>118</sup> Pettit, *On the People's Terms*, pp. 84, 86, 109, 2014, pp. 98f, 101, 109.
- <sup>119</sup> Pettit, *Just Freedom*, p. 99, see also *Republicanism*, p. 71, *On the People's Terms*, p. 82, 86f
- <sup>120</sup> Pettit, *Just Freedom*, p. xxvi, See also *On the People's Terms*, p. 84, 88.
- <sup>121</sup> Axel Honneth, 'Invisibility', *The Aristotelian Society, Supplementary*, 75(1) (2001): 111–126.
- <sup>122</sup> Pettit, *On the People's Terms*, 93, compare p. 95; compare 'essentially competitive agent–relative goods' (Pettit, *The Robust Demands of the Good*, p. 204, 226, 227).
- <sup>123</sup> Pettit, *Just Freedom*, p. 62
- <sup>124</sup> Philip Pettit, 'The Basic Liberties' in Matthew Kramer et al., eds., *The Legacy of H.L.A.Hart: Legal, Political and Moral Philosophy* (Oxford: Oxford University Press, 2008), 201–221, p. 221.
- <sup>125</sup> Pettit, 'The Basic Liberties', p. 215.
- <sup>126</sup> Ibid.; compare Tronto, *Moral Boundaries*, p. 135.
- <sup>127</sup> Pettit, *On the People's Terms*, p. 70
- <sup>128</sup> Pettit, *Republicanism*.
- <sup>129</sup> Pettit, *Just Freedom*, p. 64
- <sup>130</sup> Pettit, *On the People's Terms*, p. 95 [my emphasis]. See also Pettit, *Just Freedom*, p. 38.
- <sup>131</sup> Pettit, *Just Freedom*, p. 64f
- <sup>132</sup> A. Honneth, *Freedom's Right: The Social Foundations of Democratic Life* (Cambridge: Polity Press, 2014). and Wenar, Leif. *Blood Oil*, (Oxford: Oxford University Press, 2016).
- <sup>133</sup> Pettit, *On the People's Terms*, p. 85, Pettit, *Just Freedom*, p. 99.
- <sup>134</sup> Pettit, *Republicanism*, p. 29.
- <sup>135</sup> Pettit, *Republicanism*, p. 132.
- <sup>136</sup> Pettit, *Capability and freedom*, p. 18.
- <sup>137</sup> Pettit, *On the People's Terms*, p. 82.
- <sup>138</sup> Pettit, *Just Freedom*, p. 25; see also *On the People's Terms*, p. 124.
- <sup>139</sup> Pettit, *Republicanism*, p. 59.
- <sup>140</sup> Frederick Neuhaus, *Foundations of Hegel's Social Theory* (Cambridge: Cambridge University Press, 2000)
- <sup>141</sup> Ibid., 12.
- <sup>142</sup> Neuhaus, *Rousseau's Theodicy of Self-love*, p. 188ff; Compare Brennan, & Pettit, *The Economy of Esteem*.



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<sup>143</sup> Axel Honneth, ‘Labour and Recognition’ in *The I in We* (Cambridge: Polity Press, 2014), pp. 56-74 (p. 70).

<sup>144</sup> Virginia Held, *The Ethics of Care* (Oxford: Oxford University Press, 2006) p. 43.

<sup>145</sup> Benner & Gordon 1996, p. 49.

<sup>146</sup> Tronto, *Moral Boundaries*, p. 167f.

<sup>147</sup> *Ibid.*: 128.

<sup>148</sup> *Ibid.*: 133f. For an interesting view, see Habermas, ‘Justice and Solidarity: On the Discussion Concerning “Stage 6”’, *Philosophical Forum* 21(1) (1989) 32–52.