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## Rethinking a Defense of Sweatshops

**BY/PAR** STEVE VINER

Department of Philosophy  
Middlebury College, United States

### ABSTRACT

In this paper, I criticize Benjamin Powell's alleged comprehensive moral defense of sweatshops in his book *Out of Poverty: Sweatshops and the Global Economy* New York: Cambridge University Press, 2014. I argue that his book is not comprehensive, for it fails to argue against his strongest moral opponent. Through two examples that I call "bullying" and "half rescue," I argue that sweatshop employees are not being treated in accordance with the minimal moral treatment that they all deserve by virtue of the fact that they are persons. I also argue that we all have a moral duty to set up those institutions, policies and laws that can help sweatshop employees get this minimal moral treatment that they deserve. In addition, I contend that sweatshops no longer should be seen as the "first rung on the ladder out of extreme poverty." Rather, it is more likely that sweatshops in today's global economy keep the poor in poverty and cover up the fact that multinational enterprises can involve sweatshop employees in endless schemes that pit poor people against other poor people, ensuring that none of them will get the treatment that they deserve as persons.

**Keywords:** Powell, Sweatshops, Morality, Human Rights, Bullying, Half Rescue, Minimal Moral Treatment

### RESUME

Dans cet article, je critique la prétendue défense morale des ateliers de misère de Benjamin Powell dans son livre *Out of Poverty: Sweatshops and the Global Economy* New York: Cambridge University Press, 2014. J'affirme que son livre n'est pas exhaustif, car il ne débat pas avec son plus fort adversaire moral. À travers deux exemples que j'appelle «intimidation» et «demi-sauvetage», je soutiens que les employés des ateliers clandestins ne sont pas traités conformément au traitement moral minimal qu'ils méritent tous, du fait qu'ils sont des personnes. Je soutiens également que nous avons tous le devoir moral de mettre en place ces institutions politiques et lois qui peuvent aider les employés des ateliers clandestins à obtenir ce traitement moral minimal qu'ils méritent. De plus, je soutiens que les ateliers clandestins ne devraient plus être considérés comme le «premier échelon de la pauvreté extrême». Au contraire, il est plus probable que les ateliers clandestins, dans l'économie mondiale actuelle, maintiennent les pauvres dans la pauvreté et dissimulent le fait que les entreprises multinationales peuvent impliquer les employés des ateliers clandestins dans des projets sans fin qui opposent les pauvres à d'autres pauvres, en veillant à ce qu'aucun d'entre eux ne reçoive le traitement qu'il mérite en tant que personne.

**Mots-clés:** Powell, Ateliers de misère, Moralité, Droits de l'homme, Intimidation, Demi-sauvetage, Traitement moral minimal

**JEL Classification:** J47

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## **1. INTROUCTION**

In *Out of Poverty: Sweatshops and the Global Economy*, Benjamin Powell claims to present “a comprehensive defense of sweatshops” (2014: 3). In this paper, I argue that three of Powell’s arguments are unpersuasive. As a result, his defense of sweatshops fails. I also contend that rather than sweatshops the most important component that helps people out of poverty is the right kind of collaboration and commitment between the wealthy and the poor. The poor need wealthy allies. They do not need sweatshops.

In the two sections below, I first present Powell’s arguments, and then I criticize those arguments. I argue that Powell’s argument is not comprehensive or persuasive for a number of reasons, one of which is that he fails to address his strongest moral opponent. Specifically, he fails to argue against the claim that, morally speaking, sweatshop employees are not being treated as they deserve to be treated by virtue of the fact that they are persons. In the second section below, I also offer good reasons to think that sweatshops today no longer offer the poor a path out of poverty. Rather, it is more likely that sweatshops in today’s global economy keep the poor in poverty and cover up the fact that sweatshop employees are not getting what they deserve in virtue of the fact that they are persons. Powell contends that “Sweatshops are the first rung on the ladder out of extreme poverty” (2014: 113).<sup>1</sup> I believe that this metaphor supports a kind of hazing. It emphasizes the oppressive slogan “we did it that way, so you must too.” This metaphor is a metaphor for a statist world. Just as our attitudes and research should change about the possibility of global justice, so too should our attitudes and research change about whether sweatshops are necessary to escape poverty.<sup>2</sup>

## **2. POWELL’S THREE ARGUMENTS IN DEFENSE OF SWEATHSHOPS**

Powell relies upon the following three moral arguments in defense of sweatshops. Importantly, I think that anyone who morally defends sweatshops relies on at least one of the following three arguments.

### *A. Do No Harm*

First, Powell presents a “do no harm to others” argument (2014: 138).<sup>3</sup> Generally speaking, there is a basic moral intuition that people ought to refrain from taking actions that harm others. Applying this “do no harm” argument to sweatshops, Powell makes the following two claims: (1) sweatshops help poor people rather than harm them and (2) boycotting sweatshop products or creating wage and hour laws or safety laws that regulate sweatshops often results in harming sweatshop employees.

Regarding Powell’s first claim, arguably, sweatshops help people in poverty because they offer them a better job than they would otherwise be able to obtain. Since sweatshops offer a potential worker more money - and thus more ability to buy food, water, shelter, and

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<sup>1</sup> Here, Powell is quoting and agreeing with Jeffrey Sachs (2005: 11).

<sup>2</sup> For a good starting point and debate on the possibility of global justice, see Nagel (2005), Julius (2006), and Cohen and Sabel (2006).

<sup>3</sup> Of course, the moral principle “do no harm to others” was made famous by John Stuart Mill in “On Liberty.”

medicine - than they would otherwise receive, arguably sweatshops aid rather than harm people in poverty. Throughout his book, Powell repeatedly claims that sweatshops offer the poor their best realistic, achievable alternative (2014: xv, 2-7, 47, 111, 137). According to Powell, examples of a sweatshop employee's alternatives are working in agriculture, scavenging in dumps, and prostitution.<sup>4</sup> These alternatives often pay less, are more dangerous, and often offer the poor worse working conditions than sweatshops.

Regarding Powell's second claim, he argues that often the actions that people take to change or eliminate sweatshops ultimately end up harming the poor, i.e. the very people that the activists are trying to help. As evidence, Powell points to examples in which boycotting sweatshop products or creating wage and hour laws have resulted in the closing of sweatshops and the laying off of sweatshop employees (2014: Chapter 3). Those actions have thus resulted in putting sweatshop employees out of work, the very people who need a job to survive. Powell rightfully points out that labor unions in developed States support this activism not primarily because they care about sweatshop employees but because doing so helps those unions obtain more work and more members. Labor unions in developed States are keenly aware that if the costs of doing business in developing States increase, this increase presents an opportunity for unions in developed States to do that work and increase membership. In response to advocates who argue that people should boycott sweatshop products or petition their governments to mandate increases in wages and better working conditions, Powell joins David Henderson in stating, "Someone who intentionally gets you fired is not your friend" (2014: 33-34).

*B. The Argument From Liberty (Voluntary Actions are Moral Actions)*

The second argument begins from liberty. Voluntary actions are often considered moral, as long as they do no harm to others. There is a strong moral presumption in favor of liberty. Credible moral theories support at least some amount of autonomy for the individual. Most moral theories protect a robust amount. As a result, when people freely choose an action that does no harm to others, there is a strong presumption that the action is considered moral in part because it does no harm to others and in part because it is an exercise of their liberty. Many people believe that a fundamental component of a moral life is being able to choose the life that one wants to live without interference from others. Protecting liberty then is considered a moral priority. For example, the freedom to contract for employment is considered a fundamental, morally protected liberty.

Powell argues that when sweatshop employees accept the offer of employment from the sweatshop owner, they are exercising their liberty and their freedom to contract for employment. He argues that we should all morally support a person's choice to accept work voluntarily that makes their life better; we should respect one's freedom to contract, especially when that choice results in a better life for that individual.<sup>5</sup> According to Powell, this is precisely what sweatshops do. Powell contends that those who try to eliminate

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<sup>4</sup> It is the "best realistic alternative" claim or put another way "other options are worse" that leads liberals like *New York Times* columnist Nicholas Kristof to write in support of sweatshops (Kristoff 2004, 2009 and 2009).

<sup>5</sup> See Kates 2015, for an explication and rejection of what he calls the "Choice Argument" used by defenders of sweatshops to defend the claim that sweatshops are morally permissible.

sweatshops unjustly interfere with a person's freedom to choose work that they want to perform and unjustly interfere with allowing them to accept work that gives them a better life (2014: 37).

*C. Understanding the Process of Development (An Historical Argument)*

If poor States are to become wealthy States, must their economies pass through an economic stage of development that necessarily includes sweatshops? Powell's third argument in defense of sweatshops posits a kind of economic law that could be said to contain three parts. There is (1) a historical piece, (2) a universal economic law or "a law of economics" (2014: xvi) that is revealed by history, and (3) a reliance on a consequentialist moral argument. Putting these together, the argument can be summarized as follows: History reveals that all wealthy States on their way to becoming wealthy States experienced a stage of development that included sweatshops, and as a result, one can conclude that to help poor people in poor States we should all support sweatshops (2014: 5-7, Chapter 9). For Powell, history reveals that sweatshops are "the first rung on the ladder out of extreme poverty" (2014: 113), and thus all developing States should utilize sweatshops to become a developed State, denying citizens of developing States sweatshops is denying them the path out of poverty.

Powell's moral defense of sweatshops appears credible and strong. According to Powell, sweatshops aid the poor. They help them buy more of life's necessities, e.g. food, water, shelter and medicine. Sweatshop work is, in a sense, chosen by the employees. The employees are free to leave and find other work. Arguably, sweatshop workers want that work because it offers them a better life. They take the sweatshop job rather than an alternative. Finally, if sweatshops really are a kind of natural stage in the economic development of any State – if this is part of, or consistent with, "a law of economics," then arguably sweatshops are "the" way out of poverty.

### **3. CRITICISM OF POWELL'S THREE ARGUMENTS**

Powell's argument, however, is unpersuasive, and his defense of sweatshops is not comprehensive. We should not defend sweatshops morally, even though Powell is definitely right that we should be careful when taking actions that would eliminate or change them, so as not to cause more harm overall. Making sure that one does not cause more harm overall is certainly an important moral consideration. However, it does not follow from the fact that we should not stop buying sweatshop products (because more harm might occur) that sweatshops are therefore morally defensible. Instead, it could easily be the case that sweatshops are immoral but attempts to eliminate them might make matters worse, morally speaking. Only after determining whether sweatshops are immoral, should one look to see if they can be improved upon or eliminated without causing more harm overall.<sup>6</sup>

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<sup>6</sup> There is a parallel argument here with determining whether armed humanitarian intervention is morally permissible. It may be that a State is illegitimate because it does immoral things to its citizens, e.g. it routinely violates their basic human rights. However, it does not follow that we should intervene, militarily, if we think intervening is likely to make matters worse, e.g. cause more human rights violations.

My criticism of Powell's alleged comprehensive defense of sweatshops begins with two examples below. The first I call "bullying," and the second I call "half rescue."

*A. "Bullying"*

Imagine that there is a bully at an elementary school that intimidates a classmate every single day by making fun of the victim and by encouraging other classmates to exclude the victim from popular social groups. If a teacher at the school intervenes by creating a policy that allows the bully to engage in this kind of intimidation only one day a week rather than every single day, this new policy would not be morally defensible. This is true even if it also the case that 1) the teacher's policy aids the victim, 2) the policy results in a better life overall for the victim, and 3) the victim would, in a sense, choose that intervention given that the victim sees the teacher's new policy as the victim's best realistic alternative.

*B. "Half Rescue"*

"Half rescue" varies slightly. Imagine that you come upon a person who is drowning.

How that person came to be drowning is not related to you in anyway. You are not the cause of their dire circumstances. Rather than let them die, you make them an offer. You do not offer to save them by bringing them to shore, though you could do so easily. Instead, you propose that for \$100/hour you will give them food and fresh water periodically and a flotation device that keeps them in the water. In other words, you offer them enough supplies to keep them alive and treading water but not enough to help them make it to shore and thus not enough for them to be fully rescued or for them to rescue themselves, for if they are fully rescued you would lose your \$100/hour.

*C. The Overlap Between "Bullying" and "Half Rescue"*

It should be obvious that I contend that "bullying" and "half rescue" are morally indefensible, even though they meet the three criteria that Powell relies upon. In both of the examples, there is 1) an offer of aid, 2) a person is presented with their best realistic alternative, and 3) that person can exercise their liberty to choose that best, realistic alternative or they can choose to forego that alternative. It is not expected, however, that they would choose to forego it because the alternatives are worse. These two examples illustrate that these three criteria are insufficient. Of course, I have not yet argued that sweatshops are similar to "bullying" and "half rescue." But, I will. For now, note that it is true that "bullying" can be distinguished from "half rescue" in that in "bullying" a perpetrator is doing something to another person and they are informed that they must do that thing less than they were doing it previously. Whereas in "half rescue," there is no discussion of who or what caused the dire circumstances, rather the person offering aid simply seizes the circumstances and helps the person out, a little bit, for profit.

There are important points raised by these examples. The most important is that both examples, while distinguishable, include the basic moral idea that there is some minimal moral treatment that all persons deserve by virtue of the fact that one is a person. This is a fundamental moral intuition that supports many concepts of human rights. In the "bullying" case, the victim does not get what they deserve by the bully or under the teacher's new



policy, which is, at the very least, a bully free life. In the “half rescue” case, at a minimum, the drowning person deserves not to be kept in a perpetual state of treading water by another person, so that other person may profit. Rather, in virtue of the fact that they are a person, the drowning person deserves to be saved.

It is the important idea that there is some minimal moral treatment that all people deserve, which in turn places moral obligations on all of us and the institutions that we create and support (or fail to create), that is glaringly missing from Powell’s book and his alleged comprehensive defense of sweatshops.<sup>7</sup> In his book, Powell fails to address the widely accepted idea that we all have moral obligations to set up institutions that help people obtain those things, e.g. food, shelter, and basic security - often considered basic human rights, necessary for a minimally decent life.<sup>8</sup> Powell may disagree with this claim that there are such moral obligations to provide this minimal moral treatment or that we have obligations to fulfill and protect the basic human rights of all persons. But, even if he does disagree, the fact that his book completely ignores this important moral argument ensures that his moral defense of sweatshops is not comprehensive. By failing to address these ideas, Powell also fails to address his strongest opponent, and thus his defense is not comprehensive.

Let’s analyze the two examples above from the moral starting point that begins from the claim that there is some minimal moral treatment or minimal moral threshold that generates moral obligations on us and our institutions to fulfill and protect the basic human rights of all persons. Under this approach, it is not only the bully and the teacher in the “bullying” case who fail, morally speaking, arguably, it is also be the educational institution and those that support it, like other teachers, the principal of the school and possibly the parents of community that fail morally, for they all have some responsibility for maintaining and supporting an educational institution that accepts bullying, especially if it is well-known that bullying is being tolerated at the school.

The “half rescue” case is similarly at odds with people having moral obligations to provide some minimal moral treatment to others in large part because the person engaged in the half rescue has a strong interest against anyone implementing a full rescue, despite this being what that person deserves. In this example, a full rescue can be considered synonymous with

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<sup>7</sup> He does claim that slavery is immoral and that he does not support forced labor. Powell also claims that there may be background injustices that are keeping poor people poor. However, he is adamant that multinational enterprises that utilize sweatshops are most often not responsible for those background injustices, and they are not doing anything wrong when they “take advantage” of those circumstances. Rather than ask, “Are people getting what they deserve as persons?”, Powell repeated asks the comparative question, “How much better are the sweatshop jobs compared to the alternatives?” (2014: 47). The problem with relying on this comparative question for a defense of sweatshops, however, is - as the “bullying” case illustrates - a comparative analysis can simply be comparing two or more alternatives all of which are immoral.

<sup>8</sup> Here, I follow Henry Shue 1980 in thinking that “Basic rights are everyone’s minimum reasonable demands upon the rest of humanity” (1980: 19). There are, of course, other possible approaches, such as Charles Beitz’s claim that human rights are those rights that help us lead a dignified life and “human rights are the basic requirements of global justice. They describe conditions that the institutions of all domestic societies should strive to satisfy, whatever a society’s more comprehensive aims. And their violation identifies deficiencies that, if not made good locally, should command the attention and resources of the international community” (2013: 44).

fulfilling and protecting one's basic human rights or providing them with the minimal moral treatment that they deserve. The person getting a \$100/hour thus finds someone whose basic human rights are going unfulfilled or unprotected and instead of taking actions to rectify that moral harm, they attempt to maintain perpetual half rescues and ensure that anyone who is treading water never makes it to shore and never receives a full rescue. "Half rescue" can be seen as morally troubling for the following reasons. Arguably, the person performing a half rescue is (1) impeding a full rescue, (2) not working towards a full rescue, (3) has a strong interest in making sure a full rescue never occurs, and (4) has a strong interest in stopping a full rescue by others. Furthermore, like the bullying case where the responsibility for the bully extends beyond just the bully and the teacher, the people involved with maintaining institutions that support and allow half rescues are also morally implicated, for they are upholding policies (formal and informal) and laws that permit people to target others in ways that prevent them from getting what they deserve.

I contend then that sweatshop employers and those who contract with them resemble both the teacher in the bullying case and the person who seeks people out purposely to engage in half rescues.<sup>9</sup> They often allow, if not foster, the intimidation of persons in the sweatshop because, at best, they consider this intimidation to be less harmful than that person was previously experiencing or would experience if the sweatshop did not exist; like the teacher, they justify their actions by arguing that they are helping someone out or lessening a harm or improving a person's situation. Also, like the person offering assistance, sweatshop employers and those who contract with them, have a strong, selfish interest to continue half rescues indefinitely, for reasons due only to profit. Further, they are against a full rescue. Indeed, if the laws allow, they will prevent a full rescue. They will prevent wage increases or improvements to working conditions. In fact, multinational enterprises that contract with sweatshops often believe that they have a moral duty to their shareholders to only maximize

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<sup>9</sup> My claim here agrees with, but is slightly different than, Jeremy Snyder's claim that the wrongness of sweatshops can be seen in the idea that multinational enterprises "exploit" the sweatshop employees, this exploitation is wrong, and because of their interactions with each other – their direct relationship, the multinational enterprise has a special duty to those employees. For Snyder "they are required to cede as much of their benefit from the interaction to their employees as is reasonably possible toward the end of their employees achieving a decent minimum standard of living" (2008: 396). Here, I am not claiming any special duty for a multinational enterprise. My claim is simpler. Rather, all persons have a duty to make sure that our institutions and our laws treat people with the minimal moral treatment that they deserve. Also, the wrongness in "bullying" is not necessarily exploitation but is simply targeting the weak, harming the weak and denying the poor what they deserve. In addition, because of the ongoing and indefinite nature of half rescues, half rescues are essentially an organized economic policy that can be considered similar to institutional "bullying" over a long period of time. That's wrong and a harm. We all have a duty to fix our institutions and laws that allow these actions, when and if we can (because these actions are immoral, we have a duty to find ways to stop and change them that do not create more harm overall). When describing the treatment of persons in sweatshops, Powell admits that sweatshops are places in which children are treated horribly, working conditions are "horrid" (2014: 63), there can be the threat of violence and harassment, workers receive low wages, and "sweatshops often have long and unpredictable working hours, a high risk of injuries on the job, and generally unhealthy working conditions. Sweatshops also deny lunch or bathroom breaks, verbally abuse workers, require overtime, and break local labor laws." (2014: 3)

profit and thus they believe that they have a moral duty to continue half rescues indefinitely. Also, note that any person engaged in a half rescue is spending great amounts of time ignoring or working against any duty to attempt a full rescue. All the time that they spend maintaining a half rescue (and trying to keep persons in half rescue predicaments) is time not spent toward helping to create laws and institutions that could facilitate a full rescue. Rather, they support those laws and institutions that permit them to perform only half rescues.

#### *D. Objections and Responses to the Examples*

I would imagine that Powell would object to the “bullying” example, claiming that sweatshops are not the continuation of a certain kind of harm, just less severe, to the poor. Sweatshops, Powell might argue, find people with their backs against the wall and move them a little bit away from the wall, i.e. give them a little distance or give them more liberty than they previously had. The reply to this objection is that the world’s poor are being harmed, if they are not being given the minimal moral treatment that they deserve, including goods and services that they are entitled to by virtue of the fact that they are persons, which the wealthy of the world could provide but does not.<sup>10</sup> Not getting what one deserves as a person is a harm. Most people would call this an injustice, for “getting the treatment that one deserves” is often thought to be at the center of justice. Like the “bullying” case, while sweatshops may lessen that harm, they do not alleviate it and they likely cover up the fact that a harm is occurring. Second, again, note the overlap between “bullying” and “half rescue.” In short, “half rescues” become “bullying.” In “half rescue,” the person offering assistance actively targets a person that is not getting what they deserve in order to continue to treat them in ways less than they deserve for profit. Those targeting the victim, i.e. the person drowning, seek to ensure that the victim receives less than they deserve for as long as possible, motivated largely, if not solely, for selfish reasons. Targeting someone for selfish reasons to ensure that that person constantly gets less than what they deserve is at the center of bullying.

If Powell were providing a comprehensive defense of sweatshops as alleged, he would have to argue that sweatshops give people what they deserve as human beings, or that sweatshops treat people how they should be treated, morally speaking, given that they are persons. Additionally, he could argue that there is no minimal moral threshold or treatment that

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<sup>10</sup> Admittedly, the idea that the wealthy “could” provide jobs better than sweatshop jobs is difficult to substantiate, especially in a short paper. No doubt there are many practical hurdles to how the wealthy would go about providing better jobs. It would call for innovation, possibly subsidies or tax incentives and adjustments in our expectations. But, to find some optimism, in whether the wealthy could provide better jobs and better laws and better wages one only needs to look at the significant work done by Peter Singer and Thomas Pogge, who clearly state that helping the poor out of poverty would not take as much money as one might suppose. As Singer and Pogge claim, the lifestyle of the wealthy would not change much at all, even if they contributed (or were taxed) the money needed to help the poor, see Singer 2006 as seen at <https://www.nytimes.com/2006/12/17/magazine/17charity.t.html?mtrref=www.google.com&gwh=801509D02DC53BD7DD364AB19668D583&gwt=pay> and Pogge 2008, especially Chapter 8 and Pogge [https://www2.ohchr.org/english/issues/poverty/expert/docs/Thomas\\_Pogge\\_Summary.pdf](https://www2.ohchr.org/english/issues/poverty/expert/docs/Thomas_Pogge_Summary.pdf)

sweatshops fail to meet or that there are no moral obligations on us and the institutions that we create that morally demands that we help the poor have their basic human rights fulfilled and protected. These moral arguments that Powell would have to make to put forth a comprehensive defense of sweatshops are difficult moral arguments. They require a theory of justice or property or a concept of human rights that does not require people to aid others so that all have their basic human rights fulfilled or secured.

Arguably, because Powell does not provide these important moral arguments in his book, his book merely provides a kind of libertarian moral justification of sweatshops, persuasive only to other libertarians. In other words, Powell's book, while interesting and raises good points, should not convince those who do not agree with his libertarian approach. Stated another way, his argument should not persuade a person who agrees: (1) that there is some minimal moral treatment, e.g. a set of basic human rights, that all people deserve by virtue of the fact that they are persons; (2) sweatshops do not provide their employees with the minimal moral treatment that those employees deserve by virtue of the fact that that employee is a person; and (3) importantly, if and when possible, people who are more fortunate than the sweatshop employees have moral obligations to help those employees be treated in accordance with that minimal moral treatment, for that is what they deserve as persons. All three of these points run counter to Powell's position, and they all are widely accepted, morally speaking. Yet, Powell does not address them. Arguably, not only does leaving these moral arguments out of his book make his book noncomprehensive, it leaves Powell open to the charge that his book is a bit deceptive, for he is not transparent that his alleged comprehensive defense is a libertarian defense.

#### *E. Powell's Consequentialist Moral Argument: Sweatshops and a Law of Economics*

What about Powell's consequentialist moral argument that incorporates a kind of natural law claiming that sweatshops are a necessary part of the economic development of any State? (2014: 121). In many ways this is the hardest argument to criticize. It is difficult to criticize because it relies on historical, empirical data to predict the future, and Powell is an economist. I am a philosopher. But, while I am not an economist, I can examine questions related to causation and what it is that people highlight as important -- or see as salient -- in the causal chains that they examine. Powell puts sweatshops as a significant contributor on the causal chain to becoming a wealthy State. I am doubtful that just because sweatshops have worked in the past for some States they will always work in the future for all States.

Here, I raise points that call into doubt the utility of sweatshops, i.e. I call into doubt that since sweatshops have worked in the past they will work in the future. The points below importantly focus on the idea that there are many catalysts for social movements, and it often takes more than one to bring about significant change. It is not likely that sweatshops alone turn a developing State into a developed State. Additional characteristics are likely needed, and many of them I contend are notably absent from the global markets in which the sweatshops of today operate.<sup>11</sup> As a result, while sweatshops may have aided past States in

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<sup>11</sup> Powell does also state that "sweatshops by themselves are not enough." However, he thinks the other factor that is needed is "An institutional environment that protects private property and economic freedom...." (2014: 137). He does not explore this other factor or the kinds of factors I list here.

their economic development, there are good reasons to think that the sweatshops of today no longer offer a way forward for those in poverty.

What are these additional characteristics or “causes” that helped sweatshops turn a developing State into a developed State? One such characteristic is simply having poverty at your door step. In the past, employers and their families had to see and meet with their employees. Some employees were the employer’s friends. Some employers had children who were friends with their employee’s children. Employers and employees actually saw and had to recognize or acknowledge each other. The more distant workers are the less connected employers and workers are, the less there is a community that feels as if they are working together, the less a bond between them forms. The closer in proximity one is, arguably, the more motivated one is to treat them with respect or to give them more than what they ask for – for good work or good deeds done, including more than what the law requires. Also, in the past, in a statist world where sovereignty is paramount, a strong sense of patriotism may have forced a kind fellow feeling that forged a community and motivated philanthropy from within, especially between employers and their workers. Arguably, people tend to give more aid when they can see the results and feel the impact of their aid directly (in their neighborhood and towns). Also, it would not be surprising to find that people give more, or are more generous, when they are more likely to receive praise from their fellow citizens for doing so. In a statist world, business owners who helped their workers were also seen as helping their fellow citizens and often received praise for doing so. They received awards from their community. They were thought of as important community leaders. School children are taught to admire and be inspired by them. With multinational enterprises, the worker is an “other” not a fellow citizen. They are distant. They are often thought to be not like us. The worker is far away, often of a different race or thought of as belonging to a different culture and community, and the heads of multinational enterprises, along with their shareholders, do not see themselves as sharing a community with them.

Similarly, in the past, those who get rich in their communities often take pride in their community. That pride can result in feelings of appreciation and guilt and both of these feelings motivate a sense of “giving back” to the community that helped them make their wealth. Today, people often “give back” to one’s educational institutions for similar reasons. They give millions, even when those institutions are already wealthy. For example, in the United States, wealthy donors give millions for renovations and facilities to their college or university, even when their college or university has a billion dollar endowment. Arguably, for many, this strong sense of community and the feeling of having received benefits from a community is not felt with any great strength in a “global business community.” Quite to the contrary, for corporations, a global community possesses a strong sense of selfishness and competitiveness; it is a bigger competitive arena. Many business owners (and many political scientists as well) do not even believe that a global community exists, and if they accept that it exists in some thin form, they often deny that this global community is subject to moral norms. Rather, it is all *realpolitik*; for them, it is an arena where prudence should prevail. In addition, a strong legal system can influence people’s attitudes about what it is the “right” thing to do. Recently, laws about same-sex marriage and the use of marijuana in the United States are changing peoples’ attitudes about those topics. Sometimes laws merely reflect contemporary attitudes and values. Other times, laws help change them. For many, unlike a

domestic legal system, an international legal system does not foster this bond for its members. It does not have the same force, and is not powerful enough to change attitudes. It is sometimes not even considered to be a legal system, and if it is seen as a legal system, it is not considered to be “our legal system” by any community. Rather, business owners of large corporations can view the international legal system as a set of negotiated rules that does not truly uphold any communal values or moral norms. Rather, to them and others, an international legal system is merely an amalgam of self-interested desires and values.

Further, think back to what Powell claims with regard to unions in developed States. Sweatshop employees face competition not only from other poor people in other States but also from well-organized unions in developed States. This claim reveals how hard it is today in a more fluid global market for workers in developing States to organize and demand higher wages or better working conditions. In today’s global market, multinational enterprises can move much easier than they once could, and thus they are not stuck with the same employees or a limited workforce. Because they are not stuck with a certain set of employees, they can have more latitude about whether they will give in to the demands of their employees. They can, and often do, play potential workers in different States off of each other. On the other side, current and potential workers in sweatshops have little or no ability to move. They do not have better alternatives available to them. The offer of employment to them is a “take it or leave it” proposition. If costs rise, the multinational enterprise can bring work “back” to unions in developed States that lobby them to do so and praise them for doing so. In order to keep up profit margins, multinational enterprises can also ship in poor workers from other developing States, if the current sweatshop employees demand too much. The idea that the companies on the global stage no longer have personal commitments and connections to their employees and the communities that they operate in, means that moving the work to be done to a different State is a decision based mostly on the numbers – not community. When the numbers say move, they move. In the past, the decision may have also included the fact that the move may impact your neighbor or your neighbor’s son or your daughter’s friend or your fellow citizen. Also, today, the heads of the multinational enterprises may argue that if the law permits them to move, it would be irresponsible to their shareholders not to move.

It may be helpful here to return to the “half rescue” case and modify it slightly. Now imagine instead that there is not one person drowning but rather there is a whole ocean of drowning people. Those offering assistance to the ocean of drowning people can, of course, pit those drowning people against each other, and because there are so many, they can continually threaten to leave any drowning person. As soon as one of the drowning people complains, the person offering assistance can easily move to another person who is drowning. When the new person begins to complain, the person can move back to the previous person or on to a third person. Since there are numerous drowning people, there can be no end to these kinds of strategic moves. The moving from drowning person to drowning person and possibly back again can be indefinite and intentional. It can be intentionally planned to be indefinite. The people offering half rescues to the ocean of drowning people can create laws and institutions, so that they can continue their cycle or half rescues indefinitely for profit. These moves and laws need not result in anything progressive for the drowning people, and it is likely naïve to think that without some kind of intervention

that is based on something other than the selfish desire for a bigger profit that there would be any progress.

To use a real life example, when a multinational enterprise establishes a sweatshop on floating docks off of the island of Jamaica in what is called a “free zone,” why would it not ship in Asian women to work there or even leave and set up shop in Mexico, Costa Rica or the Dominican Republic, when Jamaicans (mostly women) protest and demand higher wages and better working conditions.<sup>12</sup> It should be clear, then, that today the heads of multinational enterprises can pit the drowning masses against each other. The leaders of those multinational enterprises may even argue that they have a moral duty to do that. If multinational enterprises can endlessly pit drowning people against each other to maximize profit, should we not expect that they would do so? Without a strong enough moral motivation or demand to help others – if they are motivated solely by profit, there seems that there are no selfish reasons why multinational enterprises would stop playing poor people against each other and the result we should expect is that the poor will remain poor. It should also be expected that multinational enterprises will shape or mold the system to their advantage, i.e. through laws and informal and formal relationships with each other and the leaders of developing States, so as to ensure that their multinational enterprise will be allowed to do so indefinitely.

The work that needs to be done in order to find out whether sweatshops will always be a step out of poverty is work about understanding the catalysts to social movements and work about understanding sweatshops in a global market alongside the current players in the global market. It can, of course, be that in the past sweatshops played a significant role in bringing about change to many States as they progressed economically. It certainly can also be the case, for all the reasons described above, that one ought not to expect today’s sweatshops in today’s global market to play a significant role in a State’s economic progression beyond a limited point (a half rescue). Further, it is likely that today’s sweatshops stymie that progression and, in a sense, cover up the current harms occurring.

For sweatshop employees, like others who often systematically do not get “what they deserve” as persons – whose voice cannot be heard because the institutions and laws that they are a part of deny them a voice, it is more likely that help must come from having good allies. Help must come from the wealthy and the powerful. For sweatshop employees, it is about having wealthy allies and allies with power that are committed to the communities that they operate in and the people that they employ. Unless those in power participate in changing the harmful laws and policies and acknowledge that serial “half rescues” are immoral and overlap with “bullying,” and that there is a positive duty to provide some minimal moral treatment to sweatshop employees (which is currently not being met), no economic progression of the kind Powell defends needs to be forthcoming. It should not be expected.

#### **4. CONCLUSION**

Powell’s defense of sweatshops is not comprehensive, since he does not address the important moral issues raised by both the “bullying” case and the “half rescue” case. Those

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<sup>12</sup> As depicted in the documentary *Life and Debt* by Stephanie Black (2003).

morally defending sweatshops often appeal to one of the three arguments that Powell raises: (1) sweatshops give the poor their best realistic alternative; (2) we ought not to interfere with their ability to contract for employment to make their lives better and (3) sweatshops are how all past developed States progressed economically. At first glance, these arguments might appear persuasive. However, as the “bullying” case and the “half rescue” case illustrate, Powell’s arguments ought not to persuade anyone who thinks that there is some minimal moral treatment that all persons deserve in virtue of the fact that they are persons and that sweatshops fail to treat people as they deserve to be treated. The additional consequentialist argument that champions a kind of economic law claiming that sweatshops are the first rung on the ladder out of poverty simply ignores too much information about what is necessary for social change and what social factors are necessary, in addition to sweatshops, to aid a State’s economic development. It should not be expected that sweatshops always provide a path out of poverty. In an ocean of drowning people floating around in a global market, there are good reasons to doubt that sweatshops will always have a positive economic impact in the future. Instead, there are good reasons to think that sweatshops currently cover up the fact that they trap the global poor into an endless scheme of “half rescues” and that those employees all deserve, by virtue of the fact that they are persons, a full rescue.

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## Stubborn Realities, Shared Humanity: The State of Humanitarian Ethics Today

BY/PAR MLADJO IVANOVIC

Northern Michigan University

### ABSTRACT

This paper explores the current standing of humanitarian ethics from two different, and yet interrelated perspectives. The *first* argues that shortcomings of humanitarianism are symptoms of deeper social and political problems inextricably linked to the nature of humanitarian practices, while *the second* takes notion of humanitarian compassion as the primary moral (and political) disposition of the 21<sup>st</sup> century individual under critical scrutiny. By bringing inconsistencies of humanitarianism into the spotlight I show how humanitarianism has become a language that inextricably serves to govern human beings. Hence, by disclosing pathologies internal to the humanitarian system, I hope that I am at the same time pointing at things that a reimagined humanitarianism needs to avoid. Ultimately, I argue that this is only possible if we rethink the objectives and nature of humanitarian assistance today. Instead of falling prey to unhealthy dependencies of crisis relief and pathologies that it engenders, humanitarianism should focus on restoring the autonomy of those affected by humanitarian crises and foster further development of their social environment and individual capabilities. A satisfactory humanitarian regime should enable people to help themselves and their communities, particularly through improving their sustainability and resilience in the face of increasing global challenges and vulnerabilities.

**Keywords:** humanitarianism, humanitarian ethics, compassion, development, resilience, humanitarian sustainability

### RESUME

Cet article explore le statut actuel de l'éthique humanitaire sous deux perspectives différentes et pourtant interdépendantes. La première affirme que les faiblesses de l'humanisme sont le symptôme de problèmes sociaux et politiques plus profonds inextricablement liés à la nature des pratiques humanitaires, tandis que la seconde prend la notion de compassion humanitaire comme la principale disposition morale (et politique) de l'individu du XXI<sup>e</sup> siècle et la soumet à un examen critique. En mettant en lumière les incohérences de l'humanitaire, je montre comment l'humanitaire est devenu un langage qui sert inextricablement à gouverner les êtres humains. Par conséquent, en dévoilant des pathologies internes au système humanitaire, j'espère que je pointe en même temps les éléments à éviter pour un humanisme réimaginé. En fin de compte, je soutiens que cela n'est possible que si nous repensons les objectifs et la nature de l'aide humanitaire aujourd'hui. Au lieu de devenir la proie de dépendances malsaines des secours en cas de crise et de pathologies qu'ils engendrent, l'action humanitaire devrait viser à restaurer l'autonomie des personnes touchées par les crises humanitaires et favoriser le développement de leur environnement social et de leurs capacités individuelles. Un régime humanitaire satisfaisant devrait permettre aux populations de s'aider et d'aider leurs communautés, notamment en améliorant leur durabilité et leur résilience face aux défis et aux vulnérabilités mondiales croissantes.

**Mots clés:** humanitaire, éthique humanitaire, compassion, développement, résilience, durabilité humanitaire

**JEL Classification:** O19

## **1. INTRODUCTION**

Today more than 130 million people across the world need humanitarian assistance and protection. Their lives depend on the capacity of affluent societies to acknowledge their needs, and respond adequately to their suffering. Such a response is not only a matter of ethical deliberation, it strikes clear political chords, especially when we ask a difficult question of responsibility or justice in the face of such severe human deprivation across the globe. Any radical alternative to the urgent humanitarian circumstances needs to consider the tumultuous dynamics between history and our present reality. The cumulative effects of population growth, environmental degradation, rising inequalities, colonial history, increased resource scarcity, economic and geopolitical shifts, violence, and ongoing developments in technology are presenting the humanitarian sector with difficult challenges. Challenges that will impact the lives of the most vulnerable sectors of humanity for the most part. When we consider the lives of people who comprise today's humanitarian target, they are the embodiment of an increasingly harmful global interconnectedness between towering inequalities, historical hegemonies and human vulnerability that these relations of power nourish. For much of the last decade, witnessing the humanitarian crises unfolding at the Western European doorstep has turned into a fundamental crisis of solidarity with people in need and the failure of humanitarian practices in general.<sup>1</sup>

I take this crisis of solidarity as a starting point in addressing a complex moral and political nature of our humanitarian present. I understand *humanitarianism* as an organizational structure that articulates a specific ethical discourse and offers a site wherein different dimensions of moral, economic and political intersect with and determine one another. In the contemporary world, the discourse of affects and humanitarian values offers a high political return. This ongoing attempt to treat humanitarianism as a symbol of what is good about the world - as the world's superego, an echo of the possibility of a more humane world - tends to conceal inequalities on which humanitarianism draws its purpose and validity. Humanitarian language has steadily increased over the last few decades due to the fact that after a century of ideologies and bloodshed, it still offers a seductive simplification of our reality without real commitment to action. Sympathy can allow an entire generation to imagine the discovery and expression of solidarity, an empty solidarity, not through ideas of social criticism and emancipation, but instead in the management of expedient moral sentiments and care-taking. What is worse, many seem to believe that good intentions are enough. As humanitarian organizations increasingly ally themselves with governments and corporate donors, and by doing that compromise themselves in ways that ultimately corrode their core organizational values; it seems that the issue is not how to justify political undertones of a shifting humanitarian ideology, but whether and how humanitarianism can sustain its ethics.

In what follows, I approach this question from two different, and yet interrelated perspectives. *The first* argues that shortcomings of humanitarianism are symptoms of deeper

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<sup>1</sup> By denoting 'West,' 'Western subject,' I do not intend to conflate all members in one nation under the heading of 'privileged' (or affluent). I am aware that not all citizens of affluent western societies have a 'privileged' existence. Thus, when I phrase 'western subject' or 'western public' I have in mind individuals who share a certain social status, belong to certain gender, bear certain cultural and economic independence, and who have the capacity to provide aid to distant people in need. These individuals are usually target of humanitarian campaigns, and such campaigns rely on their donations.

social and political problems inextricably linked to the nature of humanitarian institutions and practices, while *the second* takes the notion of humanitarian compassion, as the primary moral (and political) disposition of the 21<sup>st</sup> century individual, under critical scrutiny. By bringing inconsistencies of humanitarianism into the spotlight I show how humanitarianism has degenerated into a system that inextricably serves to govern human beings.<sup>2</sup> We are presented with humanitarianism that is instrumental in nature—one which has not been encouraged to question its own means and ends; this feature alone makes it an effective servant of militarism and capitalism. Hence, by disclosing pathologies internal to the humanitarian system, I hope that I am at the same time pointing at things that a reimagined humanitarianism needs to avoid. This brings us to an important question: *is there an alternative?*

Answering it requires investigations into the current nature of humanitarianism, how it is changing, and how it ought to change. Although I address distortions, and pathologies that result from humanitarian practices and individual agency, my aim is not only to disclose present inequalities and limits of Western humanism at the beginning of the twenty-first century. My motivation is to also make humanitarianism transparent to itself and chart a path toward a different kind of humanism altogether. To do so, my work here approaches humanitarian practices from the standpoint of an imagined, alternative understanding of humanitarianism (and solidarity); one which remains critical towards itself and considers challenges tied with nature and the limits of an unjust institutional order plagued by exclusion, violence, and inequality. Ultimately, if we want to avoid repeating the mistakes of an outdated humanitarian system of aid and governance, our policies, practices and social institutions that enable it require more transparency, self-criticism, creativity and boldness.

## **2. LIMITS OF OUR HUMANITARIAN PRESENT**

Humanitarianism today finds itself at crossroads. It is a deeply contested and polarized system of values and commitments that is increasingly unfit to face new types of emergencies related to increasing global inequalities, poverty, environmental degradation, urbanization, and shifting geopolitical dynamics that result in the massive forceful migration of people. It is truly remarkable how despite decades long growth of international institutions and norms governing the humanitarian sector, and despite the undeniable increase in public awareness of the experiences of people who suffer under such conditions, there has been relatively little substantive change in the ways how humanitarian principles and practices

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<sup>2</sup> What remains a task for the future is a thorough empirical analysis of the structural aspects of humanitarianism (e.g. workings of institutions, agencies; their practices, implementation of policies, etc.). Some humanitarian mechanisms that require critical scrutiny are poor coordination, exacerbating existing problems, damage to accountability and trust due to malpractice, corruption, etc. In the face of the current refugee crisis, for example, the oppression and various forms of exclusion faced by refugees (especially female refugees) demonstrate the structural limits of the present institutionalized humanitarian refugee and asylum system. The outdated and gendered nature of these political structures leaves refugees with terrible choices: internal displacement, sexual violence, squalid refugee camps, enslavement, urban destitution or dangerous migration. This, in effect, denies them effective protection and amounts to their persecution and suffering.

operate.<sup>3</sup> There seems to be a growing inclination of the ‘Western’ public to engage with the suffering of distant others, especially if we consider the ongoing development of information technologies (and ways in which media outlets articulate awareness to acute hardship across the globe), and yet humanitarian impact often seems feeble and impotent.<sup>4</sup> If we take a more closer look into normative commitments of current humanitarian culture we can see that it revolves around a discrepancy between moral universalism (i.e. claim that every human being deserves equal moral concern – has equal moral value) and unequal exposure to vulnerabilities grounded in historical and ongoing political and economic forms of marginalization. This discrepancy allows us to approach humanitarianism not only as a system of care-giving, but rather as set of ideas and practices that can be located materially in their institutional and discursive forms. Reflecting on this multifaceted nature of humanitarianism, Didier Fassin insightfully notes that it ultimately stands for a system of *governance* that designates “the deployment of moral sentiments in contemporary politics.” (Fassin 2011: 2) Indeed, humanitarianism has always focused on the impact of its discourse on the attitudes of the public, and as such it represents a system of governance that deploys and manipulates moral sentiments in the public sphere (i.e. feelings of sympathy, compassion, empathy, resentment, etc.). Governance here should be understood in a broad sense, as a set of procedures established and actions conducted in order to manage and regulate the existence of human beings and harm that they are exposed to; while ‘moral sentiments’ refer to emotions that direct our attention to the suffering of others and motivate us to remedy their suffering. (Fassin 2011)

This interconnection between regulative practices and invocation of moral sentiments displays the complex role and value of moral emotions in contemporary politics. The political economy of moral sentiments is evident in ways in which it nourishes political discourses and legitimizes political practices, particularly where these discourses and practices are focused on the disadvantaged and the dominated, whether at home (e.g. historically marginalized social groups such as racial, ethnic and sexual minorities, the poor, the immigrants, etc.) or further away (the victims of famine, epidemics, natural disasters, or war). Such a complex humanitarian assemblage includes, but also exceeds, the intervention of the state, local administrations, international bodies, political institutions more generally, spatial organizations, technical standards, procedures and systems of monitoring.

This complex apparatus, of course, has a history. This is not the place to retrace it, but it is worth underlining two stages of its development. *The first* stage relates to the emergence of moral sentiments in philosophical reflection and subsequently in intellectual culture from the

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<sup>3</sup> Let us consider the humanitarian practices aimed at forcefully displaced people. Most of the humanitarian management of refugees takes place in squalling refugee camps. These UN governed spaces often do not only fail in providing aid, but structures and policies that these spaces embody, directly violate human rights of those who they allegedly intend to help (e.g. sexual and gender-based violence, ethnic and religious violence, lack of medical support, lack of freedom of movement, etc.).

<sup>4</sup> This may be the case due to sheer severity of human deprivation worldwide, but even if that is the case, such state of affairs requires from us to redefine methods we use, and goals we aim to achieve by providing aid to those in need.

eighteenth century onward. To address the general characteristics of compassion it is necessary to start with the basic assumption that human beings have a predisposition to be concerned with the wellbeing of others and that under certain circumstances exposure to the pain or suffering of others can elicit moral reactions among spectators. Historically, early modern thinkers have made human passion a central topic of moral and political theory, arguing that compassion is one of the inherent aspects of being human. Thus, modern subjectivity and identity cannot be seen independent from the conjunction of affects and values that regulate conduct and emotion toward others based on a respect for human life and dignity. *The second*, more recent development, relates to the articulation of these moral sentiments in the public sphere and in political action, during the second half of the twentieth century onward. While it is difficult to determine a precise date when this development started, one may note that increased convergence of diverse measures and initiatives over the past three-four decades have been defined explicitly or implicitly as a humanitarian. Such measures and initiatives include (but are not limited to) the creation of diverse humanitarian organizations, the development of governmental ministries that deal with humanitarian assistance, and the public presentation of various conflicts worldwide as humanitarian crises (which then justifies military intervention under the same banner), the proliferation of initiatives and regulations designed to aid the marginalized parts of society (i.e. the poor, the unemployed, the homeless, people without healthcare protection, immigrants, and applicants for refugee/Asylum status, etc.). Although there is a significant time gap between these two phases, they are nonetheless interconnected, and the development of recent humanitarian practices draw their genealogical framework from the philosophical discourse on moral sentiments.

This latter phase is the one that I am principally interested here. Despite inherent difficulties with the philosophical foundation of humanitarianism, my primary goal is to offer an account of the shifting nature of what can be called *the politics of precarious lives* over the past few decades. (Butler 2004, 2009) Alongside the technological developments in recent years, there is an ongoing shift in discursive formation reflected in an increased public presence of humanitarian conundrums in an unjust world. The ongoing translation of social reality into the new language of compassion (and a development of practices that embody such language) seems to mirror the West's epistemological and affective conversion of individual and collective moral capacity. I have talked about this process in more details elsewhere, but at this point it is necessary to mention that there are inevitable constraints under which knowledge of human suffering and hardships that humanitarian victims experience takes place. Even though portrayals of human suffering encompass a significant part of our understanding of instances of injustices, there lies the danger that the Western individual is unable to receive what a humanitarian victim has to say due to failed linguistic/testimonial exchange, and/or sheer ignorance. Here too, cultural prejudices and asymmetry of power in such epistemic interactions serve as a threshold for determining why often social inclusion fails even if the institutional setting has enabled space for management of people who are target of our humanitarian efforts. (Ivanovic 2018)

Despite the proliferation of literature that deals with suffering and trauma, and the fact that these themes are now commonplace within the social sciences and new political discourses,

humanitarianism ultimately seems to be the *politics of inequality*. There is often a form of cynicism at play when one deploys the language of moral sentiments at the same time as implementing policies that increase social inequality, regulations that restrict the rights and liberties of asylum seekers and their children, or military operations with essentially geostrategic goals.<sup>5</sup> From this perspective, the language of humanitarianism seems to be nothing more than a deceptive cover for the imposition of unjust and brutal market forces of an equally unjust and brutal world. But even if this is the case, and I think it is, the question still remains: *Why does it work so well?*

### **3. ONE STEP FORWARD, TWO STEPS BACK?**

In order to answer this question, it is not enough to ask how humanitarianism generates support among general public. We must instead focus on explaining why people often prefer to invoke the idea of suffering and compassion instead of *justice*.<sup>6</sup> Traditionally, humanitarianism has been located at the intersection of ethics and politics, and, often dramatically, demonstrates the interdependence of these spheres. Understanding its emergence and implications requires more than simply examining the history of humanitarianism's attempts to address human vulnerability. It is only by exploring how humanitarian discourse is organized by political and economic forces (as well as the cultural values that sustain and contest them) that we can grasp the impact this discourse has on individuals and their agency. This impact is not always immediately evident. Despite its *benign* objectives, humanitarianism tends to accept divisions and inequalities that it

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<sup>5</sup> Let us consider present situation in refugee camps scattered around arid areas in Jordan, Turkey, Kenya, Malawi, etc. The founding statute of UNHCR outlines two main roles: to provide protection to refugees and to find a long-term solution to their plight. Neither of these goals are being met. International humanitarian aid programs are desperately underfunded and often cannot meet even the most basic needs of an increasing number of displaced people in an ever-shifting landscape of personal and group vulnerability. The principal ways the refugee system currently provides protection are simply ineffective and outdated. The dominant model, as Betts and Collier see it, leaves other alternatives aside and focuses into the long-term provision of assistance in refugee camps and closed settlements. At first, designed to attend to immediate needs of refugees, camps have since become the dominant practice of humanitarian governance. (Betts and Collier: 2017, 52) Frequently located in remote, arid and insecure border areas, refugee camps facilitate the disheartening reduction of what was once distinctively human to merely biological. As people begin to settle into their new life in the camp, they quickly realize that there is no future for them. Refugees are given food and shelter but not freedom to pursue their individual aspirations. They are usually not permitted to work legally, and there is little they are allowed to do to improve their own situation. For refugees, "resigning yourself to a refugee camp meant putting your life on pause, receiving just enough food and water to get through the next day, but robbed of any chance to provide for a family or plan for a future." (McDonald – Gibson 2016a, 80) What at first was intended to be emergency relief turned into long-term containment and the denial of basic human rights and dignity.

<sup>6</sup> There is a dramatic distance between the top and the bottom billion in the world. The affluent nations and their most affluent citizens have become powerful beyond the wildest imaginations, and yet the poorest three billion live in the same abject misery as before. Despite ongoing international efforts to contain a range of conflicts across the world, the brutality of armed forces and the suffering of the innocents remain a tragic reality for millions. Of course, these patterns of violence harm the most vulnerable individuals due to the intersection of different layers of oppression and exclusion, often deeply woven into the cultural fabric of societies in question.

otherwise aims to efface. There are serious problems in many of its facets; these faults are both subjective and institutional in nature. The reach and effectiveness of a humanitarian ethic are compromised by tendencies toward excessive individualism, (Eurocentric) cultural universalism, and moral selectivism. Positioned between the spectator as a fully sovereign agent, and the humanitarian victim who remains the passive target of humanizing efforts, humanitarianism ultimately reinforces, rather than bridges, the distance between two distinct moral perspectives. This division is reflected in the articulation and representations of human suffering and subsequent formation of social conscience manifested in sentiments of compassion and sympathy - from which humanitarian discourse ultimately derives its moral force.<sup>7</sup>

The predominant neoliberal understanding of compassion thrives on its premises to enlarge the moral and political boundaries of communities and to engender equal respect across contingent geopolitical and cultural contexts. Yet in practice, it seems not only that this sentiment does not deliver on its moral and political promises, but rather it imposes limits on agency that lead to further entrenchment of victimhood and exclusion. By diminishing the moral and political agency of recipients, it fails to redress the injustices it identifies, it exhausts empathetic identification (i.e. resulting in desensitization, compassion fatigue, voyeurism, etc.) and, in addition it generates indifference and political fatigue.

To explore this claim further, it is important to understand the circumstances under which compassionate dispositions towards others may develop (or fail to do so). Specifically, it is necessary to understand how social positions of individuals and formations of identities of *the other* influence the potential for mobilizing solidarity towards them as distant strangers. I understand compassion as ‘the feeling that arises witnessing another’s suffering and that motivates a subsequent desire to help.’ (Goetz et al. 2010, 351) This ability to feel the suffering or misfortune of others contains within itself an appraisal of the seriousness of various predicaments that the other experiences and centers upon a concern for ameliorating their suffering. Attempts to understand how our sentimental attachments to others might be fashioned for the purpose of social reforms (and equity) is nothing new; as we could see earlier, they have been part of liberal political culture since the 18<sup>th</sup> century.<sup>8</sup> Such accounts come close to suggesting that compassion grounds ordinary systems of care that give people a sense of connection, meaning and solidarity. We are all vulnerable creatures, prey to physical and psychological wounding; thus, one important aspect of our sociality is an inability to see ourselves independent from others. Given this innate human vulnerability, at least some form of minimal solidarity between social actors is necessary in order for social attachments to make sense.

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7. See Luc Boltanski, *Distant Suffering: Politics, Morality and the Media* (Cambridge: Cambridge University Press, 1999); Lilie Chouliaraki, *The Spectatorship of Suffering* (London: Sage, 2006) and *The Ironic Spectator* (Cambridge: Polity, 2013); Kate Nash, “Global Citizenship as Show Business: the Cultural Politics of Make Poverty History.” *Media, Culture & Society* 30/2 (2008): 167 – 81

<sup>8</sup> In an attempt to understand why people might be motivated by moral feeling to care for others, Rousseau argues that the possibility to act compassionately towards others is lodged deep inside us, and as such is a natural disposition present in all humans. He argues that one can either choose to ignore this feeling and defy what is essentially part of human nature, or to cultivate the experience of compassion to bring us closer to the rest of humankind. (Rousseau 1993, 13-14)



Historically, we have seen that this moralizing process depends upon the capacity of privileged people to imagine themselves in the position of those who are less fortunate.<sup>9</sup> If we look at contemporary political culture we see that it has come to encompass a wide range of mediated practices that rely on our social capacity to nurture this moral imagination in an attempt to make this disposition to act compassionately a public imperative. This is important not only because it is essential to focus on the ways in which human misfortune is presently mediated and articulated, but also because such articulation sets norms that subtly regulate our capacity to recognize ourselves as actors upon the unjust conditions of others. While most of the contemporary humanitarian discourse relies on documentation and representation of human suffering in order to cultivate a relationship to distant others and move the Western public into action, the ways in which our witnessing of inhumane conditions succeeds (or fails) in establishing moral bonds with victims tells us a lot about the social processes in which we seem to be formed as moral (and political) actors. Although the insistence of humanitarianism on the moral acknowledgment of the unfortunate conditions of others highlights the obvious importance of compassion and imagination in shaping public humanitarian imaginaries, at the same time we also see the difficulties anchored to this view. The movement *from feeling to action* is not straightforward. It is clouded by social differentiation and cultural situatedness that are the biggest obstacles for decentering away from imperatives of care and moving towards questions of rights, responsibility, and justice.

Although at the heart of contemporary humanitarianism lies the moral acknowledgment of unfortunate others whose suffering calls for public action, such calls also disclose the moral distance between those who watch and those who suffer. Despite the innate optimism of current Western political culture, compassion itself is manifested as the personal choice of a Western consumer; it remains a form of public action insofar as it silences vulnerable others by negotiating their humanity as a consumerist practice devoid of genuine solidarity. Even if we are able to transcend the contingent social differences that constitute post-modern individuals, the moral cornerstone of solidarity that we discover today, bears the form of life that has an elementary biological character and lacks all the qualities which make it possible to treat it as a life. (Arendt 1998, Agamben 1998) Evoking images of others who are suffering, such an encounter between a Western spectator and the gruesome scenes of human vulnerability seem to yield only the most basic biological fact: namely that victim feels pain and suffering. Thus, recognition of what we share in common with other individuals leads to the disheartening reduction of the distinctively human to the merely biological. What this reduction does is not only exhaust the concept of humanity, but also through this process of exhaustion it creates conditions for the production of a specific form of humanism that enables 'Western' civilization to identify and define itself. As Jacques Rancière describes this feature of contemporary humanitarianism:

The predicate "human" and "human rights" are simply attributed, without any phrasing, without any mediation, to their eligible party, the subject "man." The age of the "humanitarian" is one of immediate identity between the ordinary

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<sup>9</sup> This identification with the other is, for thinkers like Rousseau, not only an inherent aspect of subject formation, but it also accounts for the development of intersubjectivity and the genesis of morality in social context in which my encounter with others creates regimes of meanings that enable us to mediate knowledge about the world around and potentially efface the difference that exists within social landscape.

example of suffering humanity and the plenitude of the subject of humanity and of its rights. The eligible party pure and simple is then none other than the wordless victim, the ultimate figure of the one excluded from the logos, armed only with a voice expressing a monotonous moan, the moan of naked suffering, which saturation has made inaudible. More precisely, this person who is merely human then boils down to the couple of the victim, the pathetic figure of a person to whom such humanity is denied, and the executioner, the monstrous figure of a person who denies. (Rancière 1999, 126)

The irony of this ‘monotonous moan’ is that humanitarian solidarity today carries within itself virtually all of the vices of a Eurocentric hegemonic order that sustains power relations between the West and the global south. Thus, the convenient fiction of human equality remains just that – a fiction.

These fundamental dependencies and inequalities invoke fear that Western moral sentiments ultimately promote configurations of power that legitimizes the corrupt global order and the inequalities that it engenders. Interfering in the current struggle over the boundaries between humanitarianism, the economy, and politics, the explicit invocation of justice is the only morally legitimate alternative to the neoliberal imaginary and its dehumanizing processes. And yet, before we can chart the ways in which this shift is possible, there are other problems that demand our attention. One way to think through the challenges of humanitarianism is to conceive the contemporary humanitarian agency of Western spectators as a form of subjectivity that has inadequate conceptions of motivation or inadequate goals in regard to solidarity with vulnerable others. Hence, solidarity as personal preference not only constitutes the West as a self-assertive, narcissistic public, it also constitutes the vulnerability of the other, often as a semi-fictional figure that inhabits epistemological limbo wherein the Western public negotiates her ontological and moral worth. Thus, just as the solidarity of the Western humanitarian agent belongs to the private realm of personal choices and affections, whereby often these choices *appear* to be made independently of the configurations of social powers that actually constitute and define them, the Non-Western other is disposed of her vulnerability and thrown into the realm of public negotiations as an image of human suffering that awaits Western acknowledgment.

As a consequence, these images lack historicity and any concrete link to justice. Even if these representations are linked to historical circumstances and sustain an impotent rhetoric of common humanity, their depiction in public imagery does not present those people as historical agents who are part of a world that invokes a sense of solidarity and obligations. Rather, their agonizing experiences are reduced to a process of distributing resources, wherein the relation between the Western spectator and Non-Western victim is negotiated both materially and symbolically. The suffrage of the humanitarian victim, consequently, is manifested as a personal experience of the Western bystander who remains ignorant of the moral and political weight inherently entailed in the inhumane conditions faced by the other. Hence, it is not the case that stories of humanitarian tragedies lack a ‘vocabulary of justice’ but, rather, that such stories lack *autonomy* in the sense that their experiences and relation to responsibility and justice is subordinated to experiences of the Western humanitarian agent and stories about ‘the West.’ Hence, the notion of shared humanity cannot be taken as universal property, devoid of any classifications. Rather, it is often a lethal neocolonial

construct of diverse material and discursive practices which selectively humanize certain groups of people rather than others. (Quijano, 2008) Closely linked to this notion of ‘humanitarian’ selectivism is the complex overdetermination of the subject’s moral and political dispositions by social institutions that ultimately articulate and manage social and global maladies.

#### **4. THE DARK SIDE OF COMPASSION**

Despite much elaborated rhetoric, compassion remains a controversial and unreliable ethical and political motive. The critics in their various disciplinary iterations, conceive of compassion to be far too partial, inconsistent and unreliable to rely on as a moral and political drive. As we could see above, it motivates actions and policies that: unwittingly entrench victimhood and exclusion rather than create agency; express itself as a shaming pity that diminishes its recipients and fails to redress injustices it identifies; exhaust empathetic identification and generates indifference and fatigue; and worse still, is profoundly connected to subordination, exploitation and domination. While I do not intend to completely reject the political and moral worth of the idea of compassion, I do think it is necessary to disclose the ways in which it can go dangerously awry, what in turn jeopardizes an impartial application of principles of justice that is important to advance.

Even though the moralizing potential of ‘sympathetic identification’ constitutes the disposition to act compassionately, such a disposition does not automatically arise as the consequence of the sight of suffering as such.<sup>10</sup> Rather it inheres in the capacity of the society to humanize the other, and as such incite the spectators’ identification with the victim. (Boltanski 1999, Chouliriaki 2013) If one wants to understand why people might be motivated by moral feelings to care for distant others, one has to first disclose the social and cultural conditions that delimit our comprehension and affective response when confronted with scenes of human suffering. Despite the much-celebrated rhetoric of contemporary proponents of humanitarian compassion, their claim that the experience of the suffering of others serves to radically transform our political outlooks and moral dispositions, our historical record of growing social and global inequalities, actually reveals the opposite tendency. (Nussbaum 1996, 2001) It is also very likely that the moral and political contradictions that arise for people in connection with the experience of being positioned as remote witness of distant suffering complicate the compassionate sensibility insofar as the latter depends on the increased mediation of human misfortune through what some scholars

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<sup>10</sup> As mentioned earlier, the concept of ‘sympathetic identification’ was developed by J.J. Rousseau. It remains an important aspect of his theory of compassion that serves as a foundation of civic sensibilities and educational practices. Both, *The Discourse* and *Emile*, show that whether or not we follow ‘voice of compassion’ depends on our ability to recognize and identify with one another. Because of our dependence on other people, and because of the way trauma affects us, one way to comprehend weight of conditions that some parts of humanity are experiencing depends on our capacity to transcend ourselves and the illusion of self-sufficiency by taking a perspective of the other person. This identification with the other is, for classical enlightenment thinkers, not only an inherent aspect of subject formation, but it also accounts for the development of intersubjectivity and the genesis of morality in social context in which our encounter with others creates regimes of meanings that enable me to mediate knowledge about the world around and potentially efface the difference that exists within social landscape.

identified as complicity between technology and increasing inequalities of a world driven by market profits and history of violence. (Horkheimer and Adorno 1947/2002)

Hence, political agency that results in compassion can take various forms, and resulting political action might have various outcomes. What is more important, being compassionate establishes a relation between social actors where the causes of suffering and vulnerability already set up the context between the political agents active within the political system and the victims of injustice who are excluded from the exercise of political agency. Compassion conceived in this way is a practice that not only polarizes humanity into the beneficiaries of compassionate acts and agents who are providing the aid, but also as a mechanism of ‘othering’ that navigates pitfalls of global economy, colonial history, historical and present injustices, and a private calculable logic of sentimental obligations towards vulnerable others on the side of Western consumer. (Chouliaraki 2013, 5) Hence, despite its focus on human vulnerability as the clearest manifestation of common humanity, it is an awful paradox that a life in which we devotedly strive for shaping dependencies is already grounded in an asymmetry and difference in the vulnerabilities we experience. While compassion in its humanitarian renderings takes this human vulnerability as the starting point, it also simultaneously evokes the language and workings of power, wherein a constitutive dimension of compassionate behavior appears to rest on inherent difference in social positions that benefactors and beneficiaries share.<sup>11</sup>

The central question, then, for contemporary proponents of the ethical and political dispositions grounded in compassion is whether we can ever feel commiseration for another without somehow invoking our self and our standing relative to the conditions that shape and affect us and other human beings. Today, a constitutive dimension of humanitarian discourse organized around nurturing compassion among the Western public does not take place among the individuals who confront one another as universal bearers of humanity (and rights that follow from it), but instead are subsequently and inevitably marked by contingent differences (e.g. male, female, poor, black, white, disabled, Christian, Muslim, etc.). Even if the initial effect of an encounter with the other reveals the vulnerability we all share as sensible human beings, the next and inevitable aspect of intersubjective recognition is its dependence on the layers of our subjectivity that are conventional, particular and alien. Hence, imagining ourselves in the position of another creates challenges for different agents, because different social groups share different cognitive and material dispositions for experiencing their environment and other human beings. Mapped onto the broader asymmetry between the affluent and poor, white and black, and male and female, contemporary humanitarian arrangements render the mediation of afflicted parts of humanity

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<sup>11</sup> The danger that lurks underneath such processes is a continuous risk of transforming our moral bonds with vulnerable others into narcissistic self-expression that has little to do with solidarity and aid. In blurring the boundaries between witnessing and acting, one reduces the encounter between the Western spectator and the humanitarian victim from an ethical and political event to an often narcissistic self-reflection that turns our actions into mechanism of ‘othering.’ At the heart of this reduction lies a deeper concern—namely, that despite its benign objectives, humanitarianism (and our dispositions of solidarity and compassion that it aims to advance) in general ultimately follows rules of neoliberal logic of management and control. In the context of such critiques, humanitarianism may deprive us not only of the voice of vulnerable others, but also of a moral discourse that would link vulnerability to justice.

mainly through cultivation of the ethical dispositions that are undermined by the same differences that humanitarians want to highlight and overcome. We are consequently much more likely to lose touch with the sensible voice of compassion insofar as we are socially constituted, wherein such constitution defines the limits of our ability to imagine ourselves in the position of the other. Following directly from this systematic gap between social actors, the difference between distinct social groups explains not only why we are so often incapable of mobilizing a generous ethos of engagement across these disparities, but also why differences so often result in insensitivity, ignorance, and subsequently cruelty and violence.

## **5. FIRST STEPS TOWARDS NEW FORMS OF SOLIDARITY**

Critical social philosophy has traditionally been suspicious of the moralizing potential of compassion to address human deprivation and vulnerability as an object of critical reflection and deliberation. To this end, I take my point of departure in Adorno's critical iteration of the limits and inconsistencies of an ethics of compassion. His major line of criticism is centered on the view that an ethics of compassion sets out only to mitigate injustice, and not actually to change the conditions that create and reproduce it. Rather than challenge the social contexts that give rise to human suffering, compassionate behavior takes such contexts as a starting point, and at least implicitly resigns itself to them. Given Adorno's emphasis on human suffering and on moral impulses generated in response to it, it is precisely this inadvertent character of compassionate behavior that ultimately defines its limits and determines the value of our actions that are related to others. As he elaborates on this theme in one of his lectures:

This is because the concept of compassion tacitly maintains and gives its sanction to the negative condition of powerlessness in which the object of our pity finds itself. The idea of compassion contains nothing about changing the circumstances that give rise to the need for it, but instead, as in Schopenhauer, these circumstances are absorbed into the moral doctrine and interpreted as its main foundation. In short, they are hypostatized and treated as if they were immutable. We may conclude from this that pity you express for someone always contains an element of injustice towards that person; he experiences not just our pity but also impotence and the specious character of the compassionate act. (Adorno 1963/2001: 173-4)

Adorno's criticism seems to rest on two distinct, though related, considerations. *First*, compassion does not entail address of the cultural, economic, legal or political context of the victims' suffering. The benefactor responds exclusively to the bare fact of the victim's deprivation, while for social criticism it is of crucial importance to track and address its systematic causes. Such a depoliticized understanding of compassion, Adorno argues, occludes the political dimensions of suffering which leaves victims without proper means to invoke questions of justice and responsibility of individuals and collectives accountable for their misfortune. This inadequacy of compassion is entailed not only in its contingent character of people's capacity for compassionate behavior, but also in the fact that this capacity itself is dependent on the same injustice and inequality it aims to make bearable. Put

differently, whereas compassionate behavior partially enables the alleviation of human suffering in some cases, it also simultaneously conceals the act's own complicity with relations of power that result in such unjust conditions and subsequently divide humanity into subjects with agency and vulnerable others. *Second*, Adorno seems to insist that we address the hard question of whether and how we can formulate and institutionalize a type of compassion that fully acknowledges and addresses the political agency of victims. He remains suspicious towards the nature of relation that is established between the benefactor and the victim who is the target of compassionate acts, a relationship whereby the figure of the spectator is fully sovereign in her agency over the victim, whereas the victim remains a passive target of humanizing efforts. Unlike mainstream political culture, which assumes a universal character of compassion exercised as moral solidarity between equal members of humanity, Adorno urges us to be aware of subordinating, voyeuristic and narcissistic dispositions of compassion, wherein modern subjects enjoy the sense of her own superiority through acts of passionate engagement with the suffering of others, at the same time fortifying the vulnerability of the victim. In this sense, the act of compassion does not bridge the moral distance between those who watch and those who suffer, but ultimately intensifies such distance by establishing different social status between benefactors and beneficiaries.

These criticisms notwithstanding, there is also another lesson to be taken from Adorno's analysis. Although his critique takes as a starting point the breakdown of the referential function of compassion in regard to the nature of human agency and sociopolitical conditions that give rise to injustice and atrocities, the advantageous effects of this breakdown could be seen as an arousal to critically reflect upon the possible ways to redress the effects of those conditions. In order to escape the shortcomings of a depoliticized account of compassion, such critical reflection of causes of suffering entails that compassion needs to be accompanied by an insight wherein our response to suffering is connected with awareness of the culpability of prevailing sociopolitical conditions and our own complicity and privilege. Rather than merely legitimizing claims for solidarity by confronting the urgency of human suffering, the moralizing function of this insight relies on the emergence of new dispositions of solidarity that invite us to render deep asymmetries of power and injustice the very object of our reflection and engagement. This not only shifts the role that compassion has for constituting moral or political agency, but also more importantly, it offers an alternative vision of morality in general, wherein moral practice becomes 'a right form of politics' and a critique of society. (Adorno 1963/2001, 176)

This is possible only by looking beyond others' distress to its causes; political compassion establishes the conditions necessary for anger or indignation. Anger motivated by political compassion, Adorno maintains, has an important cognitive and political function—it alerts states and citizens to the sources of harm and suffering that require political redress and focuses our compassion on its systematic causes. While this connection to social justice does not necessarily give compassion any explicit role (beyond a general obligation to attend to suffering and its causes) a more specific contribution of Adorno's work to thinking about political compassion is to suggest the possibility that our moral sentiments and critical reflection can be a justified element in politics as an impetus to and a sustaining force of political agency and action. In arguing that compassion requires more than mere charity, Adorno allows for bringing our understanding of the moral sentiment into the sphere of justice: compassionate action has a specifically political focus where suffering is perceived

to be a result of systematic injustice and distorted social conditions. Even then another problem remains: there are no guarantees that knowledge about the causes of social injustices may result in significant changes in human agency. On the contrary, exclusionary practices often depend upon the fact that dehumanization and indifference take place regardless of knowledge or awareness of the social agents.

## **6. CONCLUSION: BEYOND HUMANITARIANISM**

In retrospect, drawing upon what I have introduced in so far, it seems that the moral and political methodology of humanitarianism relies, on the one hand, on the representation of vulnerability that carries with itself the moral claim to common humanity, and on the other, the assumption that such knowledge motivates the public to act. Compassion, in this sense, constitutes the dominant figure of a natural inclination to care for others, which is the cornerstone of humanitarian philanthropy that is the dominant practice for today's management of human deprivation worldwide. I have argued that by invoking human vulnerability and suffering as the moral cornerstones of solidarity, humanitarianism collapses important political questions of responsibility and (global) justice with moralizing discourses, around which the Western public is called to organize a charitable action towards the misfortune of Non-Western others. Ironically enough, compassion and the representation of human suffering—the two structural aspects of the humanitarianism—have failed to mobilize and sustain moral dispositions to act on the vulnerability of others. We have seen from preceding pages that compassion cultivates a flawed disposition of solidarity, which often ignores the historical injustices and contemporary inequalities sustained by a dehumanizing logic of the global market and neoliberalism (this is most evident in the widespread indifference and moral selectivism of the Western humanitarian public). Whereas the analysis of compassion discloses the limits of liberal discourses of care and responsibility, the suspicion towards humanitarian institutions and practices raises another set of problems.

Despite its benign objectives, I argued that the humanitarian regime in its current form ultimately legitimizes the neoliberal logic of the market that turns altruistic aspirations of contemporary humanitarianism into the concealed aspirations of a global economy, and the political interests of affluent countries. In doing so it not only fails to serve its moral and political purpose, but perpetuates a questionable climate of dependence that has harmful effects on vulnerable others, a dependence which often masks traces of historical injustices and ongoing exploitation. In blurring the boundaries between sociopolitical conditions, spectatorship and action, I challenged the contemporary conception of compassion as moral and political drive, and the ways in which such sentiment has been cultivated through institutions and presupposed objectified perceptions of the human deprivation.

Finally, we can now ask what remains of the idea of humanitarianism once we have considered the ideological tendencies and pathologies that I have outlined in this paper. Far from offering a comprehensive guide to public action, my analysis has modest emancipatory aims. Building upon the ongoing dehumanization of humanitarian institutions and practices, it invites us to carefully consider how we may develop a kind of solidarity that enables persons to realize how and when their sentiments become ideological and inappropriate. For these reasons, we may consider how the social imaginary of contemporary humanitarian

culture is composed of ambivalent moral and political perspectives, which in turn rely on violence, the economy, and the media to inform and regulate how our epistemic practices govern articulation of others and how formation of their ontologies bears on political dispositions. Overcoming such determinations requires the difficult work of trying to understand our social environment and to accept how our privilege is complicit with exclusionary nature of policies and institutions that enable our living standards amidst appalling conditions that billions are forced to endure. At the same time, this needs to ensure that sense of our obligations towards less-fortunate others does not jeopardize their autonomy, individuality, and dignity. This is not an easy task, because it requires us to surrender the privileged spaces that we comfortably inhabit and to venture beyond our social immediacy.

The first step towards this goal is to find the right balance between the need for standardized approaches and the need to adapt to unique contexts and challenges for each specific humanitarian crisis. A reimagined humanitarian regime must work for everyone, not just for fortunate few who reach gates of ‘civilized Europe.’ On both ends of the humanitarian sector, institutions and general public, we need to cultivate a different sense of obligation or we risk ignoring an important opportunity to affect the lives of people in a more meaningful (and long-lasting) way. For humanitarianism to fulfill this role, it has to rethink the foundations of its ethics, change its normative commitments from charity to justice, detach from universalizing patriarchic discursive hegemonies, reimagine its methodology and reconstruct institutional organization in order to strive towards a more inclusive approach towards afflicted individuals. Hence, it is necessary to focus on developing *humanitarian sustainability*. As the nature of humanitarian crises change we are witnessing the increase in number of those affected. Such sustainability focuses on restoring the autonomy of individuals who are target of humanitarian efforts. After immediate relief, humanitarian policies and institutions should focus on enabling environment that promotes self-sufficiency and development. Of course, empowering nature of these development projects will depend on the specific social context and requires certain creativity (and flexibility) in improving social resilience of those affected. In other words, the precise models of humanitarian development will vary across different contexts that will take into consideration nature of economic circumstances (i.e. are the nation’s economies agricultural, industry oriented, or focused on service). Hence, the key is in creating long term development opportunities where the second tier of humanitarian efforts is on generating opportunities in the aftermath of immediate relief.

In the end, how should we achieve these objectives? In order to ensure that humanitarian victims thrive rather than merely survive, every feasible change in ways how humanitarianism works today needs to focus on provision of autonomy for victims of humanitarian crises (victims such as refugees, IDPs, victims of famine, violence, etc.). Empowering people will allow them to engage in rebuilding their lives and making an impact on social circumstances that surround them. We need to realize that humanitarian response is never ‘humanitarian’ response alone, and that success of humanitarian practices often depends on the institutional capacity to creatively interact with different ‘policy fields:’ development, human rights, humanitarianism, community and environmental sustainability, economic and ecological resilience, etc. (Betts and Collier 2017, 239) How we understand aims and methods of humanitarian action (and our role in it) is extremely important, and in



part will allow transformation of the nature of our moral and political responsibilities. If we want to avoid repeating mistakes of an outdated humanitarian system our agency, and social institutions that enable it, require more transparency, self-criticism, creativity and disclosure. On both ends of humanitarian sector, institutions and general public, we need to cultivate different sense of obligations, otherwise we are ignoring an important opportunity to affect lives of people in a more meaningful (and longstanding) way. For humanitarianism to fulfill this role it has to rethink foundations of its ethics, reimagine its methodology, and reconstruct institutional organization in order to strive towards a more development-based approach.

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# Agency, Participation, and Self-Determination for Indigenous Peoples in Canada: Foundational, Structural, and Epistemic Injustices

BY/PAR CHRISTINE M. KOGGEL

Carleton University

## ABSTRACT

In this paper, I discuss accounts of agency, participation, and self-determination by David Crocker and Stacy Kosko because they acknowledge that relationships of power can determine who gets to participate and when. Kosko usefully applies the concept of agency vulnerability to the case of the self-determination of indigenous peoples. I examine the specific context of Canada's history as a settler nation, a history that reflects attempts to denigrate, dismiss and erase Indigenous laws, practices, languages, and traditions. I argue that this history displays epistemic injustice in that the dominant collective interpretative resources of non-Indigenous Canadians have allowed the dismissal of the collective interpretative resources of Canada's Indigenous peoples. This gap in collective interpretative resources can explain that Canada's constitution, institutions, laws, and structures reflect the dominant collective interpretative resources of a colonizing nation, ones that have delineated and restricted the agency, participation, and self-determination of Indigenous Canadians. One important outcome of Canada's Truth and Reconciliation Commission and of its National Inquiry into Murdered and Missing Indigenous Women and Girls is bringing the rich history of Indigenous collective interpretative resources and the networks of relationships shaped by them to light. By discussing examples from these reports, I give substance to the argument that foundational and structural injustices in settler nations are at bottom epistemic injustices, ones that have implications for accounts of agency, participation, and self-determination.

**Keywords:** agency; self-determination; epistemic injustice; Canada's Truth and Reconciliation Commission; Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls

## RESUME

Dans cet article, je discute des concepts d'agencéité, de participation et d'autodétermination présentés chez David Crocker et Stacy Kosko, car ils reconnaissent que les relations de pouvoir peuvent déterminer qui peut participer et à quel moment. Kosko applique utilement le concept de vulnérabilité d'agencéité au cas de l'autodétermination des peuples autochtones. J'examine le contexte particulier de l'histoire du Canada en tant que nation colonisatrice, une histoire qui reflète les tentatives de dénigrement, de rejet et d'effacement des lois, pratiques, langues et traditions autochtones. Je soutiens que cette histoire montre une injustice épistémique en ce que les ressources interprétatives collectives dominantes des Canadiens non autochtones ont permis le rejet des ressources interprétatives collectives des peuples autochtones du Canada. Cette lacune dans les ressources interprétatives collectives peut expliquer que la constitution, les institutions, les lois et les structures du Canada reflètent les ressources interprétatives collectives dominantes d'un pays colonisateur, lesquelles ont défini et restreint l'agencéité, la participation et l'autodétermination des Canadiens autochtones. L'un des résultats importants de la Commission vérité et réconciliation du Canada et de son enquête nationale sur les femmes et les filles autochtones assassinées ou disparues est la mise en lumière de la riche histoire des ressources interprétatives collectives autochtones et des réseaux de relations qu'elles ont créés. En discutant des exemples de ces rapports, je donne corps à l'argument selon lequel les injustices fondamentales et structurelles dans les pays colonisateurs sont une injustice épistémique fondamentale, des conséquences qui ont une incidence sur les concepts d'agencéité, de participation et d'autodétermination.

**Mots-clés :** agencéité, auto-détermination, justice épistémique, Commission vérité et réconciliation Canada, Enquête nationale sur les femmes et filles disparues et tuées.

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## **1. INTRODUCTION**

In this paper, I explore injustices that are foundational, structural, and epistemic and I do so in the context of histories and relationships that have shaped Canada as a settler nation. My exploration begins by discussing two accounts of agency and participation that I take to reach deep into identifying foundational and structural injustices, but I will argue that they are not deep enough. On foundational issues, I critically examine David Crocker on agency and participation and his skilful manoeuvring through Amartya Sen and Martha Nussbaum to show where he agrees and disagrees with each. I side with Crocker against both—especially on the role that agency and participation can play at foundational levels of shaping and reshaping constitutions themselves. On structural issues, I turn to Stacy Kosko's extension of Crocker's account of the importance of agency and defend her use of the concept "agency vulnerability" as better able to capture the idea that where people are situated in relationships of power makes agency more or less possible for them.

Kosko, rightly I think, argues that a good deal of attention has been given to the *substantive* aspect of defending normative principles underlying constitutions, institutions, structures, and the rule of law. Crocker's project fits the substantive aspect, but he leaves room for fair and inclusive participation in deliberations that can challenge and change these. Kosko's project is to tease out the *process* aspects of how and when participation in decision-making processes can happen and she does so in the context of examining the issue of the self-determination of indigenous peoples. I take her account of agency vulnerability to be an important contribution to assessing participation possibilities for indigenous peoples. Yet, while Kosko is clear about why agency matters and how it can be thwarted or weakened, agency and participation cannot but happen in the context of the foundations of constitutions, institutions, and the rule of law already in place in settler nations. In other words, examining the process aspect opens up possibilities for assessing the thickness of participation and the points of entry for decision-making and helps in understanding whether indigenous peoples participate, but it does so in terms that *show* the limitations of what they can examine, challenge, or change. It matters to accounts of fair and inclusive participation that constitutions, institutions, and the rule of law are already in place in settler nations and form the foundations and structures against which indigenous peoples can exercise their (vulnerable) agency and participate meaningfully.

With Crocker and Kosko, I want to argue that the best accounts of agency and participation, ones that reveal where and how foundational and structural injustices can arise, take foundations and structures to be fluid rather than fixed and thus open to challenge and change. However, devising criteria for enhancing agency and participation is particularly difficult in contexts of colonizing/settler nations. In contexts where foundations and structures are already in place, a deeper probe into the epistemic injustices that underlie substantive and process aspects is in order. To show this, I make use of Miranda Fricker's account of hermeneutical injustice (what I will refer to as epistemic injustice more generally) as *structural* in form because it "occurs at a prior stage when a gap in *collective interpretative resources* puts someone at an unfair disadvantage" (2007, 1, my emphasis). Departing somewhat from Fricker's account, I understand the gap to be about the powerful creating and controlling the dominant collective interpretative resources so that the collective interpretative resources of the less powerful are explicitly or implicitly ignored, dismissed, marginalized, or silenced (Pohlhaus 2012; Medina 2012).

In the context of settler nations, the dominant collective interpretative resources of colonizers have had and continue to have the effect of ignoring, silencing, and marginalizing what indigenous peoples say and know about their histories, laws, practices, traditions, and ways of life. Claims to know that emerge from failures to credit indigenous peoples' collective interpretative resources, evidenced by laws and structures that have the effect of denigrating, dismissing, or erasing that which is perceived to be inferior, mean that epistemic injustices lie at the heart of the foundations, structures, and processes that liberal theorists have worked to justify and defend.

Like Kosko, I take up the case of indigenous peoples, for whom concepts of agency and participation are seriously tested. But I differ from Kosko in taking context to be of utmost significance in the shaping of the histories and legacies of colonialism. A key part of my argument is that relationships between Indigenous and non-Indigenous Canadians have been shaped and continue to be shaped by a history of colonialism and the injustices and gross violations of human rights emerging from the past and continuing into the present. Settler nation histories call for a broad and deep account of relationships that shape Indigenous lives and communities, non-Indigenous lives and communities, the interactions of Indigenous and non-Indigenous peoples and communities and the relationships of all of these to and through the state.

Indigenous collective interpretative resources understand Canada's history to emerge from and be shaped by early relationships between the colony settlers and Indigenous peoples who negotiated treaties. This history of relationships was examined in and through Canada's Royal Commission on Aboriginal Peoples mandated to "investigate the evolution of the relationship among aboriginal peoples, the Canadian government and Canadian society as a whole" (1996 *Final Report*, 11). These relationships shaped the backdrop to the negotiations that set up the Indian Residential Schools Settlement Agreement (IRSSA) in 2006; that gave voice to Indigenous experiences in and through the Indian Residential Schools Truth and Reconciliation Commission (IRSS TRC) with its final report issued in June 2015; and that culminated in the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) that named Canada's history one of genocide in its final report issued in June 2019. These commissions and reports reflect Indigenous perspectives on Canada's history and continue to shape and reshape relationships in Canada as a settler nation. In this paper, I focus on some of the complex manifestations of foundational, structural, and epistemic injustices in and through some of the lessons learned from Canada's TRC and the MMIWG National Inquiry.

Before I proceed a few disclaimers are in order. This paper barely scratches the surface of what Crocker covers in his appropriately complex conceptual analyses of agency, participation, and democratic deliberation or of what Canada's TRC and MMIWG Inquiry have produced. I concentrate on parts of Crocker's *Ethics of Global Development*; parts of Volume 6 of the Final Report of the Truth and Reconciliation Commission of Canada with the title, *Canada's Residential Schools: Reconciliation* (hereafter cited as TRC *Final Report*); and parts of the *Executive Summary of the Final Report* of the National Inquiry into Missing and Murdered Indigenous Women and Girls (hereafter cited as MMIWG National Inquiry). The upshot is that an examination of epistemic injustice can highlight important insights in each of the Crocker, Kosko, TRC, and MMIWG works, but only if a broad and full account of relationships as shaped by history, laws, practices, and traditions is kept in the

foreground. These relationships have set the terms and processes under which the agency and participation of Indigenous Canadians is understood and permitted.

A final and important claim is that my position is that of a white, privileged woman who does not claim to speak for Indigenous Canadians but takes on the smaller task of attempting to glean insights about Canada's history as a settler nation from the TRC *Final Report* and from the MMIWG National Inquiry. This implies three things. First, I limit my analysis to a small part of the processes and results and do not claim to cover the work of indigenous scholars critical of the TRC or of the MMIWG National Inquiry. I acknowledge, however, that these critiques (also of the report of the Royal Commission on Aboriginal Peoples) are important pieces in acquiring a better understanding of relationships between and among Indigenous and non-Indigenous Canadians and a more accurate and comprehensive account of Canada's history. Second, my analysis reflects my own attempt to do what the TRC, in particular, is asking of non-Indigenous Canadians, which is to participate in processes of reconciliation by relearning Canada's history as a colonizing settler nation. Understood this way, reconciliation already expands accounts of agency and participation as involving non-Indigenous Canadians in the very processes of what the TRC set out to do and what it has produced. Third, what I have gleaned from the relearning of Canada's history through its TRC cannot be neatly mapped onto the histories of other settler nations. The setting up of and results from Canada's TRC and the MMIWG National Inquiry fits into its own history of injustices emerging from past and ongoing relationships and of what to do going forward.

## **2. CROCKER ON AGENCY, DELIBERATIVE PARTICIPATION, AND THE ROLE OF CONSTITUTIONS**

In *Ethics of Global Development*, Crocker describes agency as “a normative ideal that affirms the importance of the individual and group freedom to deliberate, be architects of their own lives, and act to make a difference in the world” (19). Crocker also tells us that “his agency-oriented perspective is an effort to build on, make explicit, and strengthen Sen's recent turn to the ideals of public discussion and democratic participation as integral to freedom-enhancing development” (2). That Crocker takes “citizen participation and democratic decision-making” to be central to an account of agency (19) is important for understanding why Crocker sides with Sen and against Nussbaum on the fundamental role of democratic participation and deliberation for engaging agents in shaping policies, laws, and constitutions themselves.

Public participation and deliberation are also important to Nussbaum, but her focus is on the context of deliberating about the content of the list of capabilities itself. For Nussbaum, the list is meant to “provide the philosophical underpinning for an account of basic constitutional principles that should be respected and implemented by the governments of all nations” (Nussbaum 2000, 5, 51, 116). Crocker argues that Nussbaum fails to fully consider the deliberative process of constitution-making itself or the role that citizens and their representatives can and should play in this process. In other words, because Nussbaum, against Sen, focuses on the need for a list, her emphasis is on nations having the list reflected in constitutions and not on democratic processes and citizen participation in the making of and revisions to constitutions. Crocker points out that “It is important to observe that fine philosophical theories of justice and splendid constitutions do not—by themselves—

guarantee that a society is just or law-abiding. Asymmetries of power can be just as inimical to the rule of philosophers or the rule of law as it is to rule by the people” (357). Crocker, in other words, pays attention to the fact that some people and groups can be excluded or marginalized in the very projects of creating lists, devising constitutions, or formulating policies. In my view, this places the emphasis where it needs to be—agents deliberating about injustices and how to address them in the messiness of real-world disagreement, conflict, and relationships of power.

Recognizing the effects of relationships of power calls for accounts of participation and deliberation that are fair and inclusive. Against Sen, Crocker recognizes that more is needed to have those who are excluded and marginalized heard in ways that can shape public policy. This is why Crocker sets out to delineate principles that are meant to regulate and enable deliberative participation. These principles are: *reciprocity* (“each member can make proposals and offer justification in terms others can understand and could accept”); *publicity* (“each member be free to engage (directly or by representation) in the deliberative process, that the process be transparent to all ... and that each know that to which she is agreeing or disagreeing”); and *accountability* (“each group member is accountable to all (and not to himself or herself alone) in the sense of giving acceptable reasons to the others”) (2008, 312-3). Crocker ties these features of democratic deliberation back to agency: “I argue that respecting people’s dignity and agency requires not only, as Nussbaum contends, that they be free as individuals to form their own conception of the good life; it also requires that people have the right and responsibility to form collective values and decide practical policies together” (209).

Crocker also argues that the effectiveness of these principles for addressing existing inequalities or for including those who are marginalized in decision-making processes require background conditions of equal political liberty, equality before the law, economic justice, and procedural fairness (317-8). While Crocker sets out conditions for fair and inclusive deliberation, for him constitutions that specify conditions of equal political liberty, equality before the law, and procedural fairness are not ideals in the sense that how they are employed or understood is fixed. Against Nussbaum, Crocker argues that there are at least three ways in which participation and deliberation should happen in the very shaping and reshaping of constitutions and institutional structures. First, Crocker notes that citizens and group members—acting directly or through their representatives—should deliberate about, decide on, and ratify their own constitution. Second, principles of reciprocity, publicity, and accountability that allow fair and inclusive deliberation are likely to generate a constitution that provides guarantees that protect everyone, that everyone would accept, and that would be subject to revision following public deliberation. And third, a democratic and just constitution would itself establish and encourage multiple venues for participatory and deliberative democracy (203).

Crocker goes beyond Nussbaum in delineating a role for participatory and deliberative democracy both prior to and after constitutions are set. He can be said to recognize that agency is compromised when relationships of power in real world contexts thwart fair and inclusive participation and deliberation. But can Crocker’s explicit attention to formulating principles and conditions for democratic deliberation address the marginalization and exclusion of some people and groups or succeed in giving voice to those excluded from

exercising political agency? More specifically, can Crocker's account address vexing questions about agency and participation in the case of indigenous peoples in settler nations?

Devising strategies for ensuring fair and inclusive participation in public discussion is important, but we may need to know more to unpack how participation for some is undermined and restricted in ways that make it difficult for them to challenge let alone reshape public policy that can address the inequalities of the "most marginalized and least empowered" (Weir 2005, 311). In the case before us of Canada's history as a settler nation, this will involve digging deep into real world injustices by uncovering norms underlying dominant collective interpretative resources. These norms highlight injustices at the epistemic level of who claims to know and what they claim to know and they work to dismiss, ignore, and marginalize the voices of the most marginalized and least empowered. Indigenous Canadians have not been treated as architects of their own lives or as genuine participants in public discussion and deliberation about their lives and what matters to them. The real question, then, is whether conditions for enhancing agency through participation in decision-making processes can happen when a constitution with its institutions, structures, and processes is already in place—fixed or not. Does decision-making in these contexts end up enhancing agency and participation for some by reflecting the collective interpretive resources of European colonizers? Indigenous peoples embedded in histories of colonialism will need special attention if agency and participation are to be real and effective. I turn next to Kosko's important contribution to and application of accounts of agency and participation in the case of the self-determination of indigenous peoples.

### **3. KOSKO ON AGENCY VULNERABILITY, PARTICIPATION, AND SELF-DETERMINATION**

In "Agency Vulnerability, Participation, and the Self-Determination of Indigenous Peoples," Kosko weaves her way through insights by Denis Goulet and Crocker to map an account of when and how agents can meaningfully participate in structuring institutions and processes that affect their lives. She asks two questions that shape the argument of her paper. First, "ought not the meaning of 'participation' for indigenous people reflect their cultural traditions of governance, for instance the value they may or may not place on consensus or on the role of elders?" (Kosko 2013, 3). Her answer to this is that indigenous peoples "have reason to value participatory processes that privilege *thicker* forms of participation, that begin *earlier* in the decision-making process, that seek consensus, and that include mechanisms for the exercise of real power by all involved" (3, my emphasis). Her second question asks, "is not the whole point of self-determination to ensure for indigenous peoples (at least some degree of) self-rule, rather than simply the generic right to participation that minorities, and all members of society, (ought to) enjoy?" (3). Kosko has a two-part answer to this question, the second of which is that "self-determination, far from an all or nothing condition, is in practice a jigsaw of overlapping jurisdictions in which the degree of self-rule can vary from absolute to equally shared, provided that the areas of shared rule are consensually shared" (4).

I agree with Kosko that self-determination need not be all or nothing, but focus instead on her account of thicker forms of participation that can be thwarted by "what we might call *agency vulnerability*—the risk of being limited in our ability to control social and economic



forces that affect us.” It is a risk that “can remain, perhaps acutely so, even as physical or economic vulnerability is greatly reduced” (5). Like Crocker, Kosko takes individual as well as group participation to be important for enhancing agency in the very processes of decision-making that affect them. In the case of Indigenous peoples, agency vulnerability “is intimately connected to an historic loss (that continues today) of sovereignty, and, often traditional territory” (7). Kosko then turns to creating a framework that can identify and assess when and how in processes of participation the agency of indigenous peoples is most vulnerable. While this move may seem to by-pass the issue of self-determination itself, Kosko argues that effective participation does not need to be perceived as in tension with self-determination in the sense she defends of it being a scalar concept and not all or nothing.

To show that self-determination in its process aspect of the *how* of participating is as important as its substantive aspect of the *what* of normative principles that underlie constitutions, institutions, processes, or the rule of law, Kosko turns to Crocker’s account of seven modes of participation (nominal, passive, consultative, petitionary, participatory, bargaining, and deliberative) on the road to defending what she takes to be a thicker mode. Crocker rightly rejects these modes of participation understood as mere membership in a group (nominal), or as passively listening to decisions made by others (passive), or as providing information that is then evaluated by others (consultative), or as petitioning to make decisions that are ultimately evaluated and decided by others (petitionary), or as enacting decisions made by others (participatory), or as bargaining with those who make the decisions (bargaining). Deliberative participation, on his account, requires “sifting proposals and reasons to forge agreements on policies that at least a majority can accept” (Crocker 2008, 342-344).

The central point in Kosko’s use of Crocker is that one can evaluate participation in decision-making processes from its thinnest at the nominal level to its thickest at the deliberative level. Kosko departs from but also builds on Crocker by introducing factors that enable an assessment of *when* groups enter the process. For this she uses Goulet’s account of seven entry-points from earliest to latest (diagnosing the problem, listing possible responses, selecting the course of action, organizing/preparing to implement the chosen course, taking specific implementation steps, correcting/evaluating the course of implementation, debating the merits of further mobilization/organization). As Goulet puts it, “if one wishes to judge whether participation is authentic empowerment of the masses or merely a manipulation of them, it matters greatly when, in the overall sequence of steps, the participation begins” (Goulet 1989, 167). Kosko works with both scales to argue that together they offer a way to evaluate aspects of agency vulnerability in terms of when participants engage in decision-making processes and what sort of participation is enabled by those processes: “the key is that any process that does not score well on both scales is flawed in some important way and its quality as a whole is substantially compromised” (14).

Kosko then applies the scales of entry points and modes of participation to an evaluation of indigenous self-determination. She argues that her framework offers one way to evaluate the process aspects of agency and participation “by identifying the points at which indigenous peoples enter into the decision-making process with the governments of their respective states or other indigenous or non-indigenous populations and the modes of participation through which they engage” (14). I think, however, that there cannot but be a tension in the conclusions Kosko draws. On the one hand, she rightly argues that the real-world situation of

the substantive aspect of constitutions, institutions, and laws being grounded in principles and already in place means that “all indigenous peoples, no matter how extensive their rights of self-rule, must continue to engage in various forms of ‘shared rule’ with the larger society” (14). This cannot but mean late entry into participatory processes for indigenous peoples. On the other hand, she acknowledges the difficulty of using her framework in this real-world situation: “the equal weight it gives to entry-points speaks directly to the requirement that indigenous people be involved in the very establishment of the governing order under which they live” (14).

There is no going back in history to recreate an early entry-point of thick participation for indigenous peoples in settler nations. This means that the only source and context for evaluating possibilities for the agency and participation of indigenous peoples is the here and now of the substantive (liberal) aspects of constitutions, structures, and institutions already in place. Kosko’s evaluative framework of the process aspects can only happen in the aftermath of the colonialization of indigenous peoples, from which an account of agency vulnerability and of a lack of meaningful participation thereby emerges. In other words, Kosko’s scales of when and how can only be meaningfully used to evaluate the strength of shared rule: “if (any level of) state jurisdiction over indigenous peoples is to be legitimate, then the people must consent to these areas of shared rule, which therefore requires early participation in the identification of those areas” (14). For now, I will note something I return to later: in the case of indigenous peoples in Canada, as learned through the TRC and its aftermath, there *were* early entry points, ones in which Indigenous and non-Indigenous Canadians participated in establishing treaties.

To be clear, I am not objecting to Kosko’s challenge to the idea of self-determination as all or nothing. The value of viewing self-determination as a scalar concept is that it allows the kind of evaluation that is important for revealing agency vulnerability in participatory decision-making processes for indigenous peoples. Kosko usefully contributes to an understanding that “in those areas where shared decision-making remains between indigenous peoples and states ... we can more easily put the onus on governments to demonstrate that a thick concept of ‘quality’ participation is at work in their protection and promotion of the wider ‘right of self-determination’” (15). I also agree that “with attention to both the entry-point and the mode of participation, governments will better live up to their normative and legal obligations toward indigenous people, and those peoples might better hope to reduce both their societal and individual agency vulnerabilities” (15). Questions remain, however. What is needed to have “governments live up to their normative and legal obligations toward indigenous people”? How can governments shaped by and emerging from colonial histories come to understand the ongoing threats to agency and participation of indigenous peoples? What are the implications for accounts of the agency and participation of colonizing peoples themselves? How has Canada’s history as a settler nation shaped past and ongoing relationships and how can these relationships be reshaped going forward?

Adding to and building from Kosko, I am suggesting two things. First, epistemic injustice (explained earlier as a gap in collective interpretative resources) is already at work and embedded in the foundational and structural injustices that concern both Crocker and Kosko. That gap needs to be unpacked to fully grasp what is missing in accounts of agency and participation at work in contexts where constitutions and institutions are already in place—especially in colonizing/settler nations. Second, I agree that foundations and structures (for

both substantive and process aspects) should be seen as fluid (rather than fixed and upheld as ideals) and subject to challenge and change. However, I suggest that attention to specific contexts, particularly with respect to indigenous peoples, can reveal epistemic injustices that emerge from histories shaped by relationships between and among indigenous and non-indigenous peoples within particular settler nations. To grasp what I mean by these two things, I turn to a discussion of the setting up of Canada's TRC and parts of Volume 6 of its *Final Report* with the subtitle *Reconciliation*. There is a lot to learn about the ongoing foundational and structural aspects of epistemic injustice in Canada's history of the forced assimilation of Indigenous peoples. While the TRC does not use the term "epistemic injustice," these ongoing aspects affect what colonizers have ignored/dismissed/erased and what can be heard/understood/learned through the TRC accounts of the richness and diversity of Indigenous Canadians' collective interpretative resources.

The point is *not* that Indigenous peoples cannot make sense of their experiences. Rather the collective interpretative resources they call on make little sense and are of no value to non-Indigenous Canadians. Their collective interpretative resources were not deemed to be *resources* and were openly targeted for erasure through the Indian Residential Schools systems. Their collective interpretative resources have had to be remembered, retrieved, and recorded by the many people in communities of Indigenous peoples across Canada in an ongoing project of recording Indigenous histories, laws, and practices and the shaping and reshaping of these through relationships between Indigenous and non-Indigenous Canadians and between Indigenous people and the state. Being aware of these factors as revealing injustices of an epistemic sort can shed new light on accounts of self-determination, agency, and participation in Canada's history as a colonizing country. To be clear, I do not reject Crocker's attempt to deepen accounts of agency and participation by opening up possibilities for changing and challenging the foundations and structures themselves. Nor do I reject Kosko's contribution that highlights how fraught agency and participation are with respect to the self-determination of indigenous peoples. Instead, I am interested in unpacking the range and depth of epistemic injustices from the perspective of indigenous peoples—specifically the perspectives of Indigenous Canadians as recorded in parts of Canada's TRC and the MMIWG National Inquiry.

#### **4. CANADA'S HISTORY AS A SETTLER NATION**

Though many non-Indigenous Canadians are aware of the facts that shape the context within which Canada's Truth and Reconciliation Commission emerged from the Indian Residential Schools Settlement, interpretations of the facts show fundamental differences in the collective interpretative resources of Indigenous and non-Indigenous Canadians. A strong message emerging from the *Final Report* of the TRC is that for reconciliation to be possible at all, non-Indigenous Canadians need to be re-educated about Canada's history—to unlearn what is taught in the official accounts of its history and to learn about the histories of indigenous laws, languages, practices, and traditions as told by Indigenous Canadians. Who gets to tell/record the "history of Canada" shapes the collective interpretative resources that are taken to be legitimate and these, in turn, have shaped and continue to shape the relationships between Indigenous and non-Indigenous Canadians. Processes of learning and being re-educated about relationships shaped by a colonial past suggest that accounts of

agency and participation can be understood to involve the active engagement of all Canadians in these processes.

While this unlearning and relearning was also called for in the multivolume *Final Report* of the Royal Commission on Aboriginal Peoples (1996), that the Government of Canada endorsed the uncovering and reporting of the horrors experienced in Indian Residential Schools brought these historic and ongoing injustices to public consciousness. The *Indian Act* of 1876 contained a number of clauses that allowed the federal government to establish Indian Residential Schools. The result was that, at last count, one hundred and thirty-nine federally-supported schools were set up in most provinces across Canada and functioned for well over a century. Most schools operated as joint ventures with Anglican, Catholic entities, Presbyterian, or United Churches. Indian Residential Schools separated over 150,000 Indigenous children from their families and communities and had the explicit objective of removing and isolating children from the influence of homes, families, traditions, laws, languages, and cultures in order to assimilate them into the dominant culture. The last of the residential schools closed only in 1996.

On May 10, 2006, the Government of Canada announced approval of the Indian Residential Schools Settlement Agreement (IRSSA) drawn up with legal representatives of former students of Indian Residential Schools, legal representatives of the Churches involved in running those schools, the Assembly of First Nations, and other Indigenous organizations. The settlement, approved by the Courts and put into effect on September 19, 2007, set out five main components: a Common Experience Payment (CEP) for all eligible former students of Indian Residential Schools; an Independent Assessment Process (IAP) for claims of sexual or serious physical abuse; measures to support healing; commemorative activities; and, the establishment of a Truth and Reconciliation Commission (TRC). It is the TRC component that is discussed in this paper.

On June 11, 2008, Prime Minister Stephen Harper, and leaders of the other federal political parties, formally apologized in the House of Commons for the harms caused by the residential school systems. The TRC part of the settlement began its work in 2008, with hearings across Canada that included testimonies from residential school survivors and many others who participated in their national events and community hearings. More than six years of research culminated in the TRC's closing ceremonies in Ottawa in June 2015 and a final six volume report that outlines the history and legacy of residential schools and puts forward ninety-four "Calls to action" identifying concrete steps to be taken on the path toward reconciliation. All this to say that the TRC itself can be said to have adopted a broad mandate of recording epistemic injustices by gathering the collective interpretative resources contained in the histories, laws, practices, and traditions of a diverse range of Indigenous communities across Canada.

The broad mandate also means that Canada's TRC did not shy away from examining the *legacy* of residential schools, a legacy that emerges from and is reflected in a history shaped by a colonial past and colonizing processes, laws, and institutions. The broad relational approach that explains the attempted erasure of Indigenous histories, laws, traditions, languages, and ways of life and that connects these harms with those in the present goes beyond the mandate of what TRCs more generally have been taken to provide. In *Our Faithfulness to the Past*, Sue Campbell identifies several features of what makes Canada's TRC unique: 1) "*Canada is a stable democracy, thus not the kind of country in which most*

*people would expect a TRC.”* (most TRCs happen in societies transitioning to democracy); 2) The IRS TRC emerged “*as a part of a comprehensive negotiated settlement among Aboriginal peoples, the government of Canada, and church leadership entities.*” (most are initiated by governments and often in the face of public pressure); 3) The IRS TRC deals “*with a long period in Canada’s history.*” (most TRCs deal with a shorter time period); 4) “*Many of the kinds of violence and violation at issue in the IRS TRC are unique in the contexts of TRCs.*” (specific kinds of harms to identity and culture that characterized the intent of Indian Residential Schooling); 5) “*The direct victims of the harm were children.*” (142-143).

On Campbell’s account, Canada’s TRC stands as a rejection of the notion that the past can be put in the past. The broad mandate allowed Canada’s TRC to provide a deep understanding of ongoing injustices shaped in and through relationships emerging from the dominant collective interpretative resources of colonizers. I take this to be an important point about the purpose of Canada’s TRC process and aftermath. Mohawk scholar Taiaiake Alfred writes:

In a global era of apology and reconciliation, Canadians, like their counterparts in other settler nations, face a moral and ethical dilemma that stems from an unsavoury colonial past. Canadians grew up believing that the history of their country is a story of the cooperative venture between people who came from elsewhere to make a better life and those who were already here, who welcomed and embraced them, aside from a few bad white men. (Regan 2010, ix)

The myth of the benevolent peacemaker dominates Canada’s history and continues to be the prevailing mindset of non-Indigenous Canadians. What is missed in the dominant framework is the deeper relational point that we are *all* shaped by a history of residential schools that had the stated objective, as noted in former Prime Minister Harper’s apology, “to kill the Indian in the child” (Government of Canada, 2008). On my account, this means that possibilities for agency and self-determination need to be understood against the backdrop of their being shaped and reshaped by a colonizing/settler history.

## **5. HISTORY, RELATIONSHIPS, AND RECONCILIATION: INSIGHTS FROM THE TRC FINAL REPORT AND THE NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS**

An overarching message in the TRC *Final Report* is that the process did not *end* the work that needs doing. Given the history of these historic injustices, the path to reconciliation is necessarily long, difficult, and ongoing:

Reconciliation must become a way of life. It will take many years to repair damaged trust and relationships in Aboriginal communities and between Aboriginal and non-Aboriginal peoples. Not only does reconciliation require apologies, reparations, the relearning of Canada’s national history, and public commemoration, but it also needs real social, political, and economic change. Ongoing public education and dialogue are essential to reconciliation. (20)

There is much more to the TRC's account of reconciliation than can be covered in this paper. For now, I will highlight two points important to explaining that failures to participate in the TRC call for learning about Indigenous collective interpretative resources as *resources* points to epistemic injustices emerging from the violent imposition of the collective interpretative resources of colonizers. First is the argument that repairing relationships and achieving reconciliation is hampered by the "settler within" (Regan 2010). The myth of the benevolent peacemaker has shaped Canada's history and its relationships with Indigenous peoples. The myth continues to be a fundamental part of the identities and beliefs of non-Indigenous Canadians. Confronting and owning it as a myth should be part of the process of reconciliation. The call to unsettle "the settler within" makes space for the second point: the breadth and depth of the TRC's understanding of "damaged trust and relationships" moves well beyond understanding reconciliation as moving toward a justice respecting society by apology alone or by looking back merely to identify perpetrators and make them accountable for injustices.

The 2019 Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls adds further breadth and depth to an account of damaged trust and relationships that emerged from colonial structures and policies evident in the *Indian Act*, the Sixties Scoop, residential schools, and breaches of human and Inuit, Métis and First Nations rights:

Colonial violence, as well as racism, sexism, homophobia, and transphobia against Indigenous women, girls, and 2SLGBTQQA [two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual] people, has become embedded in everyday life—whether this is through interpersonal forms of violence, through institutions like the health care system and the justice system, or in the laws, policies and structures of Canadian society. The result has been that many Indigenous people have grown up normalized to violence, while Canadian society shows an appalling apathy to addressing the issue. (4)

These brief discussions of the TRC *Final Report* and the MMIWG National Inquiry show that the *official* story of Canada's history begins with the *Indian Act* of 1876. However, that official story does not give credence to the complex relationships between Indigenous peoples and government officials in Canada prior to the *Indian Act*. As noted in the TRC *Final Report* these relationships were nested in those between Canada and Britain that established treaties, treaties that acknowledged and incorporated laws practiced by various Indigenous peoples and nations across Canada before settlers arrived. The relationships that established treaties are missing in textbooks about Canada's history: "Indigenous peoples have kept the history and ongoing relevance of the Treaties alive in their own oral histories and legal traditions. Without their perspectives on the history of Treaty making Canadians know only one side of this country's history. The story cannot simply be told as the story of how Crown officials unilaterally imposed Treaties on Aboriginal peoples: they were active participants in Treaty negotiations" (TRC, Volume 6, 34).

This point about Treaties is not about idealising or freezing them in history. Instead the point is that the TRC validates these as collective interpretative *resources* that have shaped and continue to shape relationships in Indigenous communities and between Indigenous and non-Indigenous peoples. Recognizing these as collective interpretative resources suggests that all

Canadians have a responsibility as agents “who act to make a difference in the world” (Crocker, 19) to participate in collective processes of learning from Indigenous communities’ remembering and re-remembering of the past. As Sue Campbell argues, memory is about “the many kinds of activities involved in remembering, and about the responsibilities of those with whom memory is shared, especially the memory of harm. How we participate in and respond to others’ remembering will be part of the context that affects how and what people can remember—the significance they are able to give to their past for their present and future” (Campbell 2014, 141). Campbell’s account of *activities* of remembering that incorporate ceremonies, traditions, and practices in which stories are told and retold is an important feature of the TRC itself—a process of recovering, remembering, and recording that which has shaped relationships within Indigenous communities as well as those between Indigenous and non-Indigenous people. This process of recovering and remembering is also evident in the truth-gathering process of the MMIWG National Inquiry in which the report notes: “The fact that this National Inquiry is happening now does not mean that Indigenous peoples waited this long to speak up; it means it took this long for Canada to listen” (MMIWG National Inquiry 2019, 1).

Listening means learning from these reports that include accounts of “Indigenous peoples’ worldviews, oral history traditions, and practices [that] have much to teach us about how to establish respectful relationships among peoples and with the land and all living things. Learning how to live together in a good way happens through sharing stories and practising reconciliation in our everyday lives” (13). Living “together in a good way” is about remembering the significance of the past for the present and future. Moreover, these features of a broad account of relationships that encompass all living things are evident in the many examples of laws, practices, and traditions of various Indigenous peoples; from the Cree, to the Inuit, to the Mi’kmaq, to the Métis, to the Anishinaabe, to the Gitksan, and so on (TRC, Volume 6, 54-74).

Below is a brief description of only one of these examples. The TRC describes the legal traditions, principles, and practices of Anishinaabe peoples and the continued relevance of these to the broader goal of reconciliation:

Powerful changes would flow into the reconciliation process if wisdom, love, respect, courage, humility, honesty, and truth were regarded as forming the country’s guiding principles. If the Seven Grandfather and Grandmother Teachings were applied, Canada would renew a foundational set of aspirations to guide its actions beyond the broad principles currently outlined in the Canadian Charter of Rights and Freedoms and other constitutional traditions. These teachings would help Canadians to build their country in accordance with its formative Treaty relationships, which flowed from Anishinaabe and other Indigenous perspectives, where peace, friendship, and respect stood at the heart of kin-based ties that encouraged the adoption of every newcomer to this land as a brother of sisters. (67)

It is important to add that Anishinaabe peoples incorporate and enact the seven principles and teachings into their traditions and ceremonies—including in the context of leaders applying them to their own residential school experiences. These ceremonies engage the

body and the mind in important activities of recounting past harms, apologizing for wrongdoing, and working toward reconciliation.

Anishinaabe tradition and ceremony play a role that is reminiscent of Campbell's account of memory activities as important for determining the significance of the past for the present and future. Moreover, active engagement with others in these activities is meant to repair and reshape relationships damaged by harm to self, others, and community. As the TRC points out, "if those who have suffered can apologize for their actions in relation to residential schools, this might serve as an example for other people throughout this country who have not suffered as gravely, and who want to improve their broader relationships" (69). The TRC provides other examples of longstanding Indigenous laws and institutions that could inform discussions of sovereignty, self-determination, justice claims, and reconciliation and claims that "all Canadians need Indigenous law to help us cope with the devastating colonial legacy we continue to experience as a nation, of which the residential schools are but one prominent part" (61).

The report of the MMIWG also makes this point about Indigenous law in the context of centering relationships as the framework for its National Inquiry:

Indigenous laws include principles that come from Indigenous ways of understanding the world. Relationships are the foundation of Indigenous law, which includes rights and responsibilities among people and between people and the world around us. Indigenous laws are linked to inherent rights, in that they are not Western-based or state-centric. This means that they can't lawfully be taken away by provinces and territories, by the government of Canada, or by the United Nations—inherent Indigenous law belongs to all Indigenous communities and Nations, and should be respected by all governments including settler and Indigenous governments. (13)

The central point emerging from the examples is that collective interpretative resources that make sense of the lives, histories, traditions, and practices of Indigenous peoples have survived a history of colonizing processes and institutions that have attempted to erase, denigrate, and dismiss them.

Closing the gap between Indigenous interpretative resources and the dominant collective interpretative resources that reflect the history, laws, and practices of the colonizer means giving credibility to Indigenous interpretative resources *as* resources that have shaped and continue to shape Indigenous relationships, lives, and communities. An important point made in the TRC discussion of Anishinaabe principles and ceremonial activities is that these collective interpretative resources are relevant to the goal of reconciliation: they can help build relationships of mutual respect and move toward "a shared future with a measure of trust" (TRC, Volume 6, 91). To ignore, denigrate, or reject Indigenous collective interpretative resources displays epistemic injustices that reach to the core of settler nation histories. If silenced or not heard, Indigenous interpretative resources are all too easy to ignore in assumptions that constitutions, institutions, structures, and the rule of law are foundational and represent the histories and experiences of all Canadians.

The TRC understanding of reconciliation calls for treating Indigenous peoples as agents active in and responsible for the shaping of their own lives—in the past, present, and into the



future: “Aboriginal peoples must be recognized as possessing the responsibility, authority, and capability to address their disagreements by making laws within their communities. This undertaking is necessary to facilitate truth and reconciliation within Aboriginal societies” (TRC, Volume 6, 51). I take this to be the kind of self-determination that Kosko defends when she calls on governments to “demonstrate that a thick concept of ‘quality’ participation is at work in their protection and promotion of the wider ‘right of self-determination’” (15). Correcting for epistemic injustice means treating Indigenous Canadians as agents and giving credibility to the collective interpretative resources of survivors of colonial processes and institutions.

The perspectival aspect of collective interpretative resources explains the epistemic gap in terms of what the dominant perceive/know and fail to perceive/know. Indigenous Canadians are now filling the epistemic gaps between what Indigenous Canadians know about their own lives and what non-Indigenous Canadians claim to know from the perspective of dominant collective interpretative resources. The final reports of the TRC and MMIWG National Inquiry can be read as understanding agency and participation in terms of Indigenous peoples remembering, recording, and enacting collective interpretative resources that can give meaning to a right to self-determination. The final reports also ask non-Indigenous Canadians to engage in a collective project of sharing, recording, and acquiring a more accurate account of Canada’s history as a settler nation and the damaged trust and relationships emerging from this history.

## **6. LESSONS LEARNED ABOUT FOUNDATIONAL, STRUCTURAL, AND EPISTEMIC INJUSTICES**

Indigenous laws, languages, traditions, and practices have been dismissed as having no value or credibility—as is abundantly clear in the attempted erasure of Indigeneity through residential schools. Many of the ninety-four calls to action recommended by the TRC are about giving authority and voice to Indigenous peoples—by changing existing government, legal, and public education institutions as well as the media, sports, and business sectors so as to reflect Indigenous histories, laws, practices, languages, and traditions; by increasing access to and participation in economic, social, and political spheres in ways that respect Indigenous peoples and their lands and resources; and by providing education at all levels and for all Canadians about the history of Indigenous peoples, the legacy of residential schools, treaties, Indigenous rights and laws, and Indigenous communities’ relations with the state.

Both the TRC and the MMIWG National Inquiry point out that Canada’s constitution, laws, structures, and institutions emerge from the *Indian Act* of 1876 that determined the treatment of Indigenous peoples and thereby restricted possibilities for self-determination, agency, and participation: 1) The Act determined what counted as “Indian status” and denied status to many Indigenous women (“a denial of home, but also a denial of connection to culture, family, community, and their attendant supports. ...the intergenerational and multigenerational effects of the *Indian Act* have erected barriers to their cultural and physical safety” (24)); and, 2) The Act set up residential schools across Canada. These two aspects of the effects of the *Indian Act* on Indigenous women and girls and of residential schools intersect in that residential schools enforced the unlearning of Indigenous histories, laws,

traditions, and practices and thereby resulted in intergenerational trauma and damage to relationships in families and communities. These relationships, in turn, shaped and continue to shape relationships between Indigenous and non-Indigenous peoples. This can explain why both the TRC and the MMIWG National Inquiry took on the broad mandate of examining all aspects of the effects and aftermath of the *Indian Act* in the lives of women and girls and in residential schools by also retrieving and recording the histories of Indigenous laws, practices, languages, and traditions.

One can have ideals of how constitutions, institutions, and processes for enhancing participation in the construction and reconstruction of these are vital for respecting agency, but actual laws as set out by colonizing settlers have the effect of shaping what *counts* as legitimate and lawful actions, practices, structures, and institutions as well as what *counts* as justifiable moral reasons and constraints on agency itself. I have suggested that Crocker's accounts of agency and participation usefully challenge what is assumed or taken as given with respect to the role of constitutions, institutions, structures, and the rule of law. I have also suggested the important contribution that Kosko makes in her account of agency made vulnerable in the late entry points for meaningful participation in the case of indigenous peoples. I have argued that these accounts of self-determination, agency, and participation are challenged and stretched further in a settler context such as Canada.

The TRC *Final Report* reveals gaps in making sense of collective interpretative resources when the focus is on the state and its constitution, institutions, and laws. These gaps, I argue, reveal the places where epistemic injustices are embedded in the kinds of relationships that shape the very individuals and collective interpretative resources of the more and the less powerful and the relationships between them. These factors add a deeper relational analysis to Kosko's account of agency vulnerability and of assessments of the when and how of indigenous self-determination and participation. I have argued that foundational and structural injustices in settler nations are at bottom epistemic injustices, ones that reach to the foundations and structures of a colonizing/settler nation and have implications for accounts of agency, participation, and self-determination.

Ami Harbin captures what underlies the tension in Kosko's account of entry points for assessing the participation of indigenous people in settler nations when she writes, "the destruction of indigenous lands, knowledge, families, and sovereignty cannot ever be fully rectified, because people, knowledge traditions, languages, the health of lands, and the original possibility of trusting, respectful treaty relationships have all been lost and cannot be recovered intact" (Harbin 2016, 141). One of the goals of Canada's state sanctioned TRC process as well as of the MMIWG National Inquiry is the attempt to recover these histories—not intact, but with a renewed call and commitment for all Canadians to take up the challenge and responsibility of participating in a process of learning and relearning Canada's settler history of state imposed attempts to dismiss and erase indigeneity and what all of this means for how to go on.

The TRC process and the MMIWG National Inquiry have permitted Indigenous peoples and nations to retrieve, hear, participate in, and learn about the histories, laws, practices, and institutions that have shaped their worldviews and their communities. I would add that this is especially important as societies and countries learn more about histories and contexts that have failed to acknowledge past injustices or to learn about how these injustices shape and continue to shape relationships of inequality and power. The positive part of what the final

reports of the TRC and MMIWG National Inquiry have achieved in remembering, retrieving, and recording is ongoing—in Indigenous nations across Canada, in Indigenous communities learning and relearning laws, languages, histories, and practices, and in centers and universities set up to collect this research. It is also ongoing in its call to Indigenous and non-Indigenous Canadians to participate in projects of understanding, relearning, and rewriting Canada's history. The MMIWG National Inquiry identifies some 100 “Calls for Justice for All Governments” (62-104) that identify ways in which Indigenous self-determination can be strengthened by engaging in various initiatives at all levels of international, national, provincial, public service and law sectors, educational and health institutions, and Indigenous communities. Self-determination for Indigenous Canadians means that “Indigenous understandings of culture are deeply rooted in their own identities, languages, stories, and way of life—including their own lands—and these ways of knowing must be recentred and embraced as ways to move forward” (25). I take this to give substance to Crocker's account of agency as “individual and group freedom to deliberate, be architects of their own lives, and act to make a difference in the world” (19) and to Kosko's account of the self-determination of Indigenous people.

Harbin writes, “for settlers in anti-colonial social movements, the goal is not only supporting indigenous resurgence but decolonizing our own ways of thinking about nationalism, history, property, resources, state governments, immigration, and so on. Settlers might be called to challenge our own colonial thinking on many levels, all of which can require ongoing reminding and re-correcting” (141-2). Such a call to action for settlers expands an understanding of agency and self-determination, and of the processes and conditions that could lead to fair and inclusive public deliberation. Elsewhere I have argued for an expanded account of agency, one that shows agency to be shaped interdependently and as needing to make use of emotional, relational, and rational capacities in participatory processes of responding to our own lives and the lives and needs of others (Koggel 2019). The implications of this expanded account of agency can be applied to the case before us. It is an account that ties agency to participation by affirming the importance of Indigenous *and* non-Indigenous agents acting interdependently “to make a difference in the world” (Crocker, 19). I take the MMIWG National Inquiry and the TRC to envision ongoing processes of Indigenous and non-Indigenous Canadians working interdependently in participatory processes of drawing on agential capacities of emotionality, relationality, and rationality in an ongoing effort to “be architects of their own lives” (Crocker, 19).

I conclude by returning to the National Inquiry into Missing and Murdered Indigenous Women and Girls centering relationships as its framework and focal point for what can be done going forward:

a key teaching repeated throughout the Truth-Gathering Process is about the power and responsibility of relationships. As those who shared their truths with the National Inquiry emphasized, understanding what happens in relationships is the starting point to both understanding and ending the violence against Indigenous girls, women, and 2SLGBTQQIA people. ... family members insisted that to understand and honour those whose lives were violently cut short requires a careful accounting of all the relationships that shaped their loved one's life and that their loved one, in turn, played a part in shaping. (10)

This call for understanding how past and ongoing relationships have shaped and continue to shape lives and communities is directly connected with how the National Inquiry understands self-determination: “women and 2SLGBTQQA people themselves should be able to actively construct solutions that work for them, according to their own experiences. Self-determination also means fundamentally reconsidering how to frame relationships that embrace the full enjoyment of rights across all aspects of community and individual life, and within First Nations, Métis, and Inuit and settler governments” (11).

Falling back on a defence of the normative principles underlying the structures, institutions, and processes imposed and now place in settler nations is not enough in the face of the huge challenges presented by a call for a way of life committed to repairing relationships in and among Indigenous communities and between Indigenous and non-Indigenous Canadians: “finding justice for those victims and preventing violence for the future rest in a fundamental reorientation of relationships among Indigenous women, girls, and 2SLGBTQQA people, society, and the institutions designed to protect them” (MMIWG National Inquiry, 40).

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## An Alliance Beyond the Human Realm for Ecological Justice

BY/PAR **SHASHI MOTILAL**

Department of Philosophy, University of Delhi

### ABSTRACT

This paper proposes to argue that ecological justice that is rooted in an ecocentric approach to nature is the key to achieving integral human development which goes beyond 'development that is only worth *our* while'. Ecological justice is achievable if there is a clear understanding of relations at two distinct levels - one, the relation among humans and another between the entire human community and other elements of the ecosystem. These relations are the basis of the alliances that we form to address issues of integral human development. The focus of the paper is the second kind of alliance that is based on an understanding of the relation between the human and the non-human realm. However, an 'alliance' is normally formed between partners with equal standing. Is there a sense in which both humans and the non-human world can be considered to be 'equal partners in an alliance'? The paper considers how one might establish this by examining diverse philosophical viewpoints that have addressed the issue of the treatment of non-human animals for anthropocentric ends. It discusses whether equality between parties is necessary for the formation of an alliance drawing extensively from ethical theories and examples from the world. From rights approach, recipients of justice, to care ethics, several theories offer guidance to support what would constitute a 'humane' approach to non-human animals. While these approaches crucially pin the broad perspective, they have not explicitly considered the role of an alliance between humans and non-human animals in achieving a basic level of wellbeing for the latter. Taking cues from the different kinds of 'ruling over' from Stuart Gray's understanding of the relation between humans and non-human nature, the paper seeks to establish that an alliance between humans and the non-human realm is possible even without committing to their equal status and this could form the basis of ecological justice and well-being.

**Keywords:** environmental justice, integral human development, ecological justice, alliance beyond the human realm, ruling over nature

### RESUME

Cet article défend l'idée que la justice écologique enracinée dans une approche écocentrique de la nature est la clé du développement humain intégral et dépasse le "développement qui ne vaut que pour nous". La justice écologique est réalisable s'il existe une compréhension claire des relations à deux niveaux distincts - l'un, la relation entre les humains et l'autre entre la communauté humaine tout entière et les autres éléments de l'écosystème. Ces relations constituent la base des alliances que nous formons pour résoudre les problèmes de développement humain intégral. Cet article est axé sur le deuxième type d'alliance qui repose sur la compréhension de la relation entre le monde humain et le monde non humain. Cependant, une alliance est normalement formée entre des partenaires de rang égal. Y a-t-il un sens dans lequel les humains et le monde non humain peuvent être considérés comme des partenaires égaux dans une alliance? L'article examine comment on pourrait établir cela en examinant divers points de vue philosophiques qui ont développé la question du traitement des animaux non humains à des fins anthropocentriques. Il aborde la question de savoir si l'égalité entre les parties est nécessaire à la formation d'une alliance reposant largement sur des théories éthiques et des exemples. De l'approche fondée sur les droits, en passant par l'éthique du care, plusieurs théories offrent des indications pour soutenir ce qui constituerait une approche humaine des animaux non humains. Bien que ces approches épousent de manière cruciale la perspective large, elles n'ont pas explicitement envisagé le rôle d'une alliance entre humains et animaux non humains dans l'atteinte d'un niveau de base de bien-être pour ces derniers. S'inspirant des différents types de décisions développées par Stuart Gray de la relation entre l'homme et la nature non humaine, l'article cherche à établir qu'une alliance entre l'homme et le monde non humain est possible, même sans s'engager à l'égalité de statut et cela pourrait constituer la base de la justice écologique et du bien-être.

**Mots-clés :** Justice environnementale, développement humain intégral, justice écologique, alliance au-delà du domaine humain, domination de la nature

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## **1. INTRODUCTION**

The paper begins with an assumption that human development is desirable in a very innocuous sense.<sup>1</sup> Further, the paper also assumes that only that development is desirable which is fair, making it what Peter Penz (et. al) ( 2011) have termed as ‘worthwhile development’ in the light of the seven parameters mentioned by them. If we sum up the values that Penz (et. al) list as parameters of ‘worthwhile development’ then it would not be an exaggeration to say that a society that aims for ‘worthwhile development’ in their sense, would also end up being a more environmentally ‘just’ society. But what do we understand by ‘environmental justice in the first place? Is it all about conserving the environment even at the cost of harm to human welfare - the agenda of the ‘environmental fascists and misanthropic biocentrist’?<sup>2</sup> Shrader-Frechette terms this approach environmentalism as against environmental justice (or injustice) which she understands in the context of distributive and participative justice (or injustice). In her words, “Environmental justice requires both a more equitable distribution of environmental goods and bads and greater public participation in evaluating and apportioning these goods and bads.” (2002:6). She also claims that “protection for people and the planet go hand in hand” (2002: 5) and that the two movements - environmentalism and environmental justice are “different sides of the same coin” (2002:6) such that a fair distribution of the benefits and burdens of using natural resources would at the same time result in greater protection for the environment.

Environmental justice understood in this sense is an anthropocentric understanding of justice that concerns itself predominantly with injustices caused by discriminatory practices of distribution and participation based on race, class, ethnicity, gender, or age. Important as this aspect of social justice is, it does not address the issues of the injustices and harm that we, the human community, cause or can cause to the environment (including animals and future generations) in our aspiration for development. In order to focus on this aspect of justice we need to go beyond Shrader-Frechette’s understanding of environmental justice and think of ecological justice which is based on the idea that each element of the ecosystem is regarded as equally important for the sustenance and well-being of the entire ecosystem. Ecological justice is “necessary for integral human development – the economic, political, social and spiritual well-being of every person...Ecological justice celebrates the interconnection and interdependence of all beings, and recognizes our human responsibility to coexist in harmony for the well-being of the Earth community. Ecological justice promotes human dignity, the self-determination of all persons, and the development of sustainable economies with justice for all within a finite world.”<sup>3</sup>.

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<sup>1</sup>Though, what would count as ‘development’ for humans, its scope and extent is undoubtedly a contestable subject especially in the face of an onslaught from the anti-development lobby.

<sup>2</sup> Shrader-Frechette (2002) refers to the views of environmentalists like Dave Foreman, J. B. Calicott, Garrett Hardin and Paul Taylor whom she calls ‘environmental fascists and misanthropic biocentrist’.

<sup>3</sup> devpeace\_backgrounder\_2011-2016\_ecological\_justice.pdf

[https://www.devp.org/sites/www.devp.org/files/documents/materials/devpeace\\_backgrounder\\_2011-2016\\_ecological\\_justice.pdf](https://www.devp.org/sites/www.devp.org/files/documents/materials/devpeace_backgrounder_2011-2016_ecological_justice.pdf)

This paper proposes to argue that ecological justice that is rooted in an ecocentric approach to nature is the key to achieving integral human development which goes beyond 'development that is only worth *our* while'. Ecological justice is achievable if there is a clear understanding of relations at two distinct levels - one the relation among humans and another between the entire human community and other elements of the ecosystem. These relations are the basis of the alliances that we form to address issues of human development and how they impact humans (both of the present and future generation) as well as the environment in general. However, when one talks of 'alliances' the more common form of alliance that comes to mind is that between international human agencies and organizations belonging to sovereign states all of which get together to address one or more global issue. Important as they are, the alliances amongst human communities must also extend beyond the human realm to the non-human realm; between humans and the non-human animal world as well as the natural environment in general, specially when we address issues like human - animal conflict, extinction of rare species of flora and fauna, and animals as well as human and environmental calamities caused by climate change. The paper argues for a non-anthropocentric alliance between the human and the non-human realm in addition to the alliance among human communities to achieve the same purpose of ecological well-being and ecological justice. It also attempts to show that the second kind of alliance (between human and the non-human realm) is the basis of the first - that between international organisations.<sup>4</sup>

In considering the alliance beyond the human realm, interesting philosophical issues arise. For example, in the first kind of alliance, i.e., among humans, every allying member is supposedly an equal partner and purportedly gains from the alliance, whereas in the second kind, the alliance beyond the human realm, the gain is one-sided. It is true that when the allying partners are more 'equal' we can expect more justice to all stakeholders; when they are not, injustices may result. So this raises the question - 'Is there a sense in which both humans and the non-human world can be considered to be 'equal partners in an alliance'? - a presumption that would be implied by any ecocentric conception of justice. But again, must an alliance always be amongst equals in order for it to be fair thereby promoting justice? These two questions will be taken up in the concluding part of the paper based on the deliberations through the paper. For this purpose, I draw upon the views of both western and non-western philosophers, ancient and modern, to put forth the idea of an alliance that goes beyond the human realm. The aim is to understand the nature of the alliance beyond the human realm that will protect the interests of both humans and the environment and help to achieve ecological well being and ecological justice

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<sup>4</sup> In this paper, I am not looking at the political alliances amongst sovereign states and international organizations to save the earth from climate change disasters and environmental degradation, for example; these may be important but what is more fundamental is the understanding, the eco-dialogue that human communities can have to understand the alliance between the human and the non-human realm.



## **1. ANIMAL 'RIGHTS' AND 'NEEDS': AN ANTHROPOCENTRIC APPROACH TO JUSTICE**

In the traditional western discourse on the relation between humans and non-human nature, starting from Aristotle to Kant, and the rationalists in general, the overriding sentiment was that all human beings are equal in their 'humanity' by virtue of their rational nature. Further, being human was the quality that accounted for the moral status of humans distinguishing them from amoral non-human animals. Being human was also the basis for 'human rights' which served as effective means of bringing about social justice. On the other hand, non-human animals and nature in general was treated merely as an instrument of human use and need, bereft of any moral status and of rights. This attitude resulted in growing injustices towards animals and degradation of nature at large. Philosophers like Peter Singer (1999) and Tom Regan (1999) are, perhaps, the first philosophers in recent times to have argued for the rights of animals thereby attributing equal status to both human and non-human animals in a very basic sense. The difference amongst most philosophers who are willing to ascribe some rights to animals is regarding the question - where should one draw the moral boundary and on what grounds? Whereas Regan champions animal rights based on a rights theory, Singer's approach for the moral considerability of animals is utilitarian and based on the principle of equal consideration of interests. For Singer, 'sentience' (experience) is the limit beyond which rights cannot be conceptually granted to elements of nature and he is hesitant to extend rights to vegetative life, because in his opinion there is not enough evidence to suggest that trees or ecosystems possess consciousness.

Though one may grant that extending the concept of rights to animals has brought about a sea change in our treatment of animals, the concept of 'rights' and the co-relative notion of duties that humans owe to animals (if there are any), are philosophically loaded concepts for one to resolve the issue in any simple way. Criticising the rights approach, Ted Benton (1993) remarks,

“... the case for attributing rights to non-human animals faces severe intellectual obstacles, their 'neediness' as natural beings is a feature shared with human animals. Moreover, a needs-based view of justice has the further advantage of extending the scope of cross-species moral concern beyond the narrow circle of species whose individuals satisfy [Tom] Regan's subject-of-life criterion. Need understood in terms of conditions necessary for living-well or flourishing is a concept applicable not only to all animal species, but to plant-life as well” (Benton 1993: 212).

According to Benton, human and non-human animals have the same needs which makes them equal in a very basic sense. Emphasizing another aspect of naturalism Benton says, “One aspect of human embodiment - our requirement for food- engages us in social relations and practices which inescapably include animals: as partners in human labour, as objects of labour, and of consumption, as well as competitors for habitats and common sources of food” (1993: 18). He further adds that “[I]f animal husbandry is tolerable at all, these considerations tell in favour of husbandry regimes which preserve opportunities for animals to establish and maintain the broad patterns of social life which are peculiar to their species. Where physical and psychological development requires more-or-less prolonged relationships between juvenile animals and adults, conditions for these relationships need to

be provided” (1993:172). This approach to animals emphasizes the fact that human lifestyles need to change to the extent where any ‘over indulgence’ on the part of humans would cause harm to the wellbeing of animals on whom we are dependent in numerous ways. The wellbeing of animals becomes important but only insofar as humans are dependent on animals not so much for their own sake. Although such an attitude towards animals would help in bringing about desirable results, it is still a very anthropocentric approach.

Andrew Dobson (1998) talks of how one may consider humans and animals to be equal. He distinguishes between ‘dispensers of justice’ and ‘recipients of justice’ in the context of a theory of distributive justice and argues that animals (as well as future generations of people) may not be dispensers of justice but they can be said to be recipients of justice (1998: 65). If it is in the interest of an animal to strive for its well-being (even if limited to basic needs and the instinctive behaviour of survival) it is still a recipient of justice. It follows that if certain human actions can cause harm to this striving to live “well” then these actions would count as being unjust to the animal. There have been many instances where aspirations for human development have harmed the wellbeing of animals, for example, the case where the Atomic Energy Commission of USA had conducted two atomic bomb tests in Canada in 1953 which resulted in the death of hundreds of sheep that were the victims of the nuclear fallout. (Shrader-Frechette , 2002: 189). This is clearly a case of injustice caused to animals on account of humans. As an entity that can be a recipient of justice, it would be wrong/ unjust on the part of humans to inflict harm to it. In this innocuous sense of ‘recipients of justice’ we can avoid the controversies about rights claims, duties, obligation, etc. and simply say that both humans and animals need to be treated equally justly since both have an interest in their own well-being - both are recipients of justice, though humans are also dispensers of justice.

The notion of justice that comes across for the non-human world when we adopt the rights, or needs approach to understand the relation between the human and non-human world is anthropocentric as is evident from the fact that the animal rights activists draw boundaries of moral considerability leaving out non-sentient beings and the needs approach also rests on the utility value of animals for fulfilling human needs of food, labour etc. Dobson’s ‘recipients of justice’ status to animals as well as humans, fails to specify how the interests of humans (both of the present and future generation) stack up against the interests of animals when these are in conflict. Though Dobson does give an elaborate account of the priorities, the basis of those priorities is not clear (Dobson 1998 : 33-61). It is the care ethics approach which goes beyond anthropocentrism and appeals to the notion of ecological justice to understand better the relation between the two realms. This is also to be found in many non-western cultures both ancient and modern.

### **3. DIMENSIONS OF CARE : MOVING TOWARDS AN ECOCENTRIC APPROACH TO JUSTICE**

Val Plumwood (1999), a staunch believer of ecocentrism and a relentless critic of anthropocentrism talks of alliances between human and nature. Criticising ethicists (including Singer), who have drawn moral boundaries that distinguish humans as rights holders from the ‘others’ that cannot be ascribed rights, Plumwood is of the view that drawing a moral boundary creates power relations which treat those beyond the moral boundary only instrumentally. She argues that rather than extending the boundary to include

some animals we should stop thinking in terms of boundaries since it creates polarities in an 'all-or-nothing' way. Arguing for a 'care ethic' approach, Plumwood says that care "can be applied to humans and also to non-human animals and nature more generally" and further that "ethically relevant qualities such as mind, communication, consciousness and sensitivity to others are organized in multiple and diverse ways across life forms that do not correspond to the all-or-nothing scenarios assumed by moral dualism" (1999: 191). In her opinion, the "rationalistic economic calculus which divorces 'rational' and 'efficient' political and economic life from care, compassion, social and ecological responsibility is the ultimate modern expression of the West's ancient rationalist opposition between reason and emotion, male and female, culture and nature, in which it has now ensnared the entire globe and all its species" (1999:206).

The care ethic approach to the human and non-human world has always been the hallmark of most non-western ancient philosophies like Buddhism, Confucianism and Hinduism to mention a few. The idea of '*vasudhaiva kutumbakam*' (the idea of the entire ecosystem as a 'family' where each member is to be treated with mutual respect, care and recognition) pervades the entire ancient Indian philosophical tradition, barring the materialist Carvaka philosophy. The same idea can be drawn from the macro and microcosm view about the world expressed in the phrase - *yathā pinḍe, tathā brahmāṇḍe* ( the macrocosm is a organic whole like the microcosm) - a pervasive thought common to Hindu philosophy. Interestingly one could argue for the same cordial relation from the point of view of Buddhist metaphysics and ethics also. If the theory of 'kamma'(action) and rebirth as propounded by Buddhism is to be believed, and if one's actions in the present life determine what 'species status' one would have in subsequent births in order to bear out the fruits of past actions, it is in the self-interest of a person to do good deeds, including treating nature (animals) with compassion (karuna). Such a 'holistic' approach to the relation between humans and the cosmic world, seeped in metaphysical views transcending species and boundaries of the present generation of humans and animals expresses a ecocentric conception of both well-being and justice.

The writings of Vandana Shiva have also emphasized the importance of conceiving the human and non-human world in the light of ethical teachings from ancient Indian philosophy. In her book *Soil Not Oil: Environmental Justice in an Age of Climate Crisis* (2008), Shiva has emphasized the "ecological path of living with justice and sustainability". Citing ancient Indian philosophical sources, she maintains that "right living" consists in following "dharma" which can be construed as the bridge between resources (artha) and human needs (kama) and which secures the balance between the two. Dharma is also regarded as the all-pervading principle of social and moral order in Indian philosophy. In Shiva's view, the global economy has created an "ecological imbalance" due to a conflict between "economic laws" on the one hand and "ecological laws" and "social laws" on the other. This imbalance has also led to a non-sustainable paradigm of equity where everyone has an equal right to pollute and deplete earth's resources whereas what we need is a sustainable paradigm of equity which recognizes the equal responsibility not to do that. Shiva discusses the concept of 'Earth Democracy' and states, "Earth Democracy begins and ends with Gaia's laws - the law of renewability, the law of conservation, the law of entropy, the law of diversity. In Earth Democracy, all beings and all peoples are equal, and all beings

and all communities have rights to the resources of the earth for their sustenance.”<sup>5</sup> This is yet another sense in which one can conceive of the equality of human and non-human elements of nature thereby facilitating a more just and fair ecological order.

However, even if humans and the non-human world are not equals, one can envisage a relation between them based on the sentiments of care and obligations ensuing from the power equation between them. Amartya Sen (2010) drawing from the teachings of Gautam Buddha in the *Sutta-Nipata*<sup>6</sup> discusses the asymmetrical relation between humans and nature and emphasizes the obligations of power or privilege that ensue from it. Where one party is more ‘powerful’ there is more responsibility on that party to fulfill the obligations it owes by virtue of the power/privileges it enjoys. Buddha argues that “since we are enormously more powerful than other species, we have some responsibility towards other species that connects exactly with this asymmetry of power”. (as quoted in Sen 2010: 205) The argument can be stated as follows: “if some action that can be freely undertaken is open to a person (thereby making it feasible), and if the person assesses that undertaking of that action will create a more just situation in the world (thereby making it justice-enhancing), then that is argument enough for the person to consider seriously what he or she should do in view of these recognitions”(Sen 2010: 206). The argument reinforces Dobson’s view that as the exclusive dispensers of justice, human beings have obligations towards non-human nature to treat it with justice too. An argument along similar lines can also be offered towards an equitable solution to the issue of climate justice with regard to allocation of future carbon credits to developed and developing nations. If developed countries are in a position of taking actions (making lifestyle changes) because of their more powerful/privileged position then a policy decision (settling for fewer carbon credits) on their part would enable a more just situation globally. They would be fulfilling greater responsibility because of their greater ability to respond to that situation. The concept of human moral obligation (the obligations that humans have towards themselves as well as other non-human elements of nature) is a powerful concept that can be exploited to establish an amicable relation among humans and between human and non-human elements of nature. (Motilal 2015: 1-24)

In recent times, there has been a significant revival of some indigenous approaches to the human-nature relationship in Latin America that have impacted the public policy and developmental agenda of countries like Ecuador and Bolivia, among others. Two bionomic concepts prevail in this new approach - *Pachmama* (a holistic notion of the world) and *sumak kawsay* (equivalent to that of wellbeing, or even the Ideal/ Good Life).

### *The Pachmama*<sup>7</sup>

According to Ronel Alberti da Rosa (2015), the new Latin American national constitutions made a paradigm shift from the rights of the homo economicus of the period of Industrial

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<sup>5</sup> Quote is from an Excerpt from Shiva (2008) in *Alternatives Journal*, 35:3, 2009. p.22

<sup>6</sup>Reference found in Amartya Sen (2010) footnote 6 in Chapter 9: Plurality of Impartial Reasons. Footnote 6: The classic English translation of *Sutta Nipata* can be found in F.Max Muller (ed.), *The Sacred Books of the East*, vol.X, Part II, *The Sutta-Nipata: A Collection of Discourses*, translated by V. Fausboll (Oxford: Clarendon Press, 1881). A later translation is *The Sutta-Nipata*, translated by H. Saddhatissa (London: Curzon Press, 1985)

<sup>7</sup> The word comes from the extinct kolla language spoken in the Inca Empire.

Revolution to a new paradigm that “tries to mediate the coexistence of three players that interact and establish a sort of moral pyramid: rational animals, irrational animals and the *Pachmama*.” (2015: 77) He further says, “The Pachmama, as a kind of indigenous pantheist being, includes humans, their culture and science and all elements of the natural world, i.e., the non-rational world. The Pachmama has the role of regulating the communal life of cultural as well as non-cultural elements.” (ibid.)

*Sumak Kawsay*<sup>8</sup>

The concept of Sumak Kawsay or Good Life has been widely discussed as an alternative to capitalist development and the possible principle of a new way of understanding the economy. It heralded a “new paradigm of development for Latin America” (Ramírez 2010: 5 as mentioned in Altmann 2014: 82) or a “biocentric turn” (Hernández 2009: 62 as mentioned in Altmann 2014: 82). Good Life was understood as “Living mostly in harmony and equilibration with one self, with the community and with the cosmos” (GTZ 2002: 24 as mentioned in Altmann 2014: 86) - a thought that resonates well with the idea of ‘*vasudhaiva kutumbakam*’. “Good life means a way of living that tries to adapt to its environment. It refers to a reconstruction of indigenous principles, adopting them to actual and future realities but always based on the local community and its autonomy” (Viteri 2002: 5 as mentioned in Altmann 2014: 87). According to Altmann, “the Good Life as a central concept amongst others makes ecological aspects of the economy an important matter and provides a conceptual weapon to fight not only exploitation and oppression, but also a way of life that does not allow a harmony inside society and between society and nature” (2014: 91).

#### **4. LIVING IN HARMONY WITH & LIVING IN HARMONY FOR**

In understanding the relation that underlies the nature of the alliance between human and the nonhuman world one can draw useful insights from the work of Stuart Gray (2017), who has looked at this relation from the lens of cross-cultural interconnectedness. He is of the view that we need to “identify traditions and vocabularies that can provide broader historical and cultural perspective and thus leverage, for critical dialogue on issues of shared concern across national boundaries” (2017: 223). This is important since ‘dialogue’ is the basic foundation of an ‘alliance’ among humans and cross-cultural ecological dialogue can surely form the starting point on which sovereign states can enter into alliances to save the planet.

In Gray’s view, the traditional understanding of the relation between human and nonhuman nature is that of ruling over - where humans rule over nature. The human-centric understanding of ruling is ruling over nonhuman nature and ruling with human elements, neglecting what he calls the “connectedness of rule that fundamentally links human and nonhuman interests”. Explaining this connectedness he talks of a polycentric polytemporal conception of the self where one’s “identity is intertwined with the geographic location in which one lives, the region’s climate, loved ones, workplace and co-workers, pets, garden,

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<sup>8</sup> In Ronel Alberti da Rosa’s view, the eudaemonic analogue to the concept of the Good Life can be found in the form of *sumak kawsay* in the Quechua language, and other forms among several indigenous cultures of Latin America.

electronic devices, and so on". He talks of the "co-constitutive nature of polycentric identity and the multi-dimensionality of the world in which we are porosly embedded".<sup>9</sup>

Gray distinguishes four aspects of ruling which are:

1. Ruling over ( the traditional relation between human and nature where the latter is only an instrument of use)
2. Ruling with ( alliances amongst humans based on democratic principles)
3. Ruling for (where the ruler rules for all not just for human beings a form of panocracy)
4. Ruling in a broader network of human and non-human nature.

The relation of 'ruling' in this expanded sense (including ruling-with, ruling-for and ruling-in the interest of nonhuman nature) is opposed to the merely 'instrumental' use made by the ruling-over paradigm. Nevertheless, it still remains an anthropocentric approach since it relies on the idea of rule and rulers and only humans can be rulers. Perhaps a better way to understand the relation among humans, and that between humans and nature (and thereby the alliances based on these relations), is to define them in terms of the idea of 'living in harmony' - 'living in harmony with' and 'living for the harmony of'. 'Living in harmony' is the essential idea in the various non-anthropocentric approaches to justice that were outlined in the paper and it is at the core of ecological justice. Thus, we have to do away with the concept of 'ruling over' and replace it with the concept of 'living in harmony with other humans', and 'living for the harmony of the ecosystem'. The first will ensure harmony amongst human communities in achieving social justice in all its forms (including environmental justice as understood by Shrader -Frechette) and the second will protect the entire ecosystem of which humans are a part. Both these aspects of justice are captured in the idea of 'ecological justice' as defined earlier.

Aspiring for ecological justice is not an attitude of anti-development. It seeks to understand human development as integral and sustainable human development where sustainable is understood as sustainable for the harmonious existence of the entire ecosystem and not merely the existence of the human race. Human development must be evaluated by this parameter and not merely by an anthropocentric notion of justice.

## **5. CONCLUSION**

It appears that it is the relationship between humans and nature that really defines the nature of the alliance between the two. But, in such an alliance, there is no room for ruling over nature. It is precisely for this reason that we may legitimately call this an 'alliance' where the allying partners are 'equal' in all the senses that were culled from the western and non-western approaches to the relation between humans and non-human elements of nature. It is

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<sup>9</sup> Raimundo Pannikar expresses the same sentiment when he says,"The individual is just an abstraction, i.e., a selection of a few aspects of the person for practical purposes. My *person*, on the other hand, is also in "my" parents, children, friends, foes, ancestors and successors. "My" person is also in "my" ideas and feelings and in "my" belongings." (1982: 90)

not a contract to be fulfilled by terms and conditions to which all parties agree. It is an understanding that humans have about the interconnectedness and continuum between humans and other elements of nature. It is a sense of ‘our being with nature’ which is pervasive in nature. And this sense is not necessarily a conscious awareness of our need for nature and to live with nature, rather it is our sense of wanting to live in harmony with nature. It is our response-ability (our ability to respond) that connects with nature for our own sake as well as for its sake.

But, again to press the point about ‘alliances’ a bit more, one can argue that even if the allying partners are not equal there may still be an alliance between them. More often it is their mutual interest in a higher goal to be achieved through that alliance that brings them together, albeit all parties in the alliance are aware and desire the goal to be achieved. This would be characteristic of the alliance among humans in diverse societies/ sovereign states that would be needed to solve global environmental problems like climate justice. Such an alliance is formal and to be maintained or ‘played by the rules of the game’. However, as Sen has remarked “[M]utual benefit, based on symmetry and reciprocity, is not the only foundation for thinking about reasonable behaviour towards others. Having effective power and the obligations that can follow unidirectionally from it can also be an important basis for impartial reasoning, going well beyond the motivation of mutual benefits.” (Sen 2010: 207) The ‘alliance beyond the human realm’ is to be understood in this sense where even if the allying partners are not equal, considerations of care, justice, respect and rights of nature can all constitute ‘reasonable behaviour’ and ‘impartial reasoning’ vis-a-vis nature. In this respect, our ways could be different but our goal is the same - A World United for Ecological Justice!

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## Caring for Structural Vulnerabilities: Can We Hear All Voices?

**BY/PAR** JESSICA PAYSON

Bentley University

### ABSTRACT

In this essay, I argue that care ethics faces a fundamental challenge in addressing structural vulnerabilities. I argue that one of its main strengths – its focus on alleviating individuals' material needs – also generates a weakness regarding one of its other key aims – namely, respecting the voice of the concrete other. As a result, I will argue that a full application of care ethics in response to structural vulnerabilities must moderate or supplement its focus on material needs.

**Keywords:** Care Ethics, Structural Injustice, Structural Vulnerability

### RESUME

Dans cet essai, je soutiens que l'éthique du care est confrontée à un défi fondamental dans la gestion des vulnérabilités structurelles. Je soutiens que l'un de ses principaux atouts - son objectif d'atténuer les besoins matériels des individus - génère également une faiblesse par rapport à l'un de ses autres objectifs principaux - à savoir respecter la voix de l'autre. En conséquence, je soutiens qu'une application complète de l'éthique du care en réponse à des vulnérabilités structurelles doit modérer ou compléter l'accent mis sur les besoins matériels.

**Mots-clés:** éthique des soins, injustice structurelle, vulnérabilité structurelle

**JEL Classification:** A11, A12, A13

## **1. INTRODUCTION**

A great deal of literature in contemporary care ethicists has shown that care ethics provides insightful guidance for addressing social-structural (and often global) issues. Fiona Robinson, for example, argues that the ethic of care provides a valuable ontology for understanding the social-political and increasingly globalizing world. Care ethics' relational ontology enables us to see ourselves as embedded within complex global networks of relations; given this understanding, care ethics prompts us to critically examine these broader networks for their moral implications – “to think about how care and responsibilities for care are distributed both within and across societies” (2011: 31). Virginia Held, for another example, argues that the ethic of care provides a helpful antidote to a masculinist political “realism” that centralizes hierarchy and domination; by centralizing values of cooperation and interdependence, the ethic of care provides the “wider and deeper context” within which issues of international justice should be pursued (2006: 17). I agree that care ethics provides helpful guidance for understanding the social-structural order and values within it. I am concerned, however, about a complication facing care ethics in response to social-structural vulnerabilities. I am concerned that one of its key strengths – namely, its forward-looking emphasis on increasing real material levels of well-being – may simultaneously undermine another of its main values – namely, its demand to hear and respect the voice of the other.

In the next section, I will provide an overview of care ethics, explaining three central and interrelated elements – its normative grounding in meeting individuals' material needs, its aim to meet these needs within a respectful relationship, and its emphasis on hearing and respecting the voice of the other. I will explain how its key aims – meeting needs and building relations – are helpful for responding to structural vulnerabilities. In the following section, I will explain a challenge facing care ethics in regard to structural vulnerabilities. More specifically, I will argue that the first aspect of care ethics – its aim to alleviate on-the-ground needs – may threaten its ability to fully hear and respect the voice of the other. As a result, and because the three aspects are interrelated, this represents a challenge to care ethics as a whole. In the concluding section, I will briefly conclude that this suggests that care ethics, to be fully applicable to the issue of structural vulnerability, must moderate or supplement its focus on alleviating material needs.

## **2. CARE ETHICS: NEEDS, RESPECT, VOICE**

Care ethics can be considered as an alternative to traditional liberal modes of theorizing dominant in the modern West. Traditional liberal theories typically derive normativity from abstract principles taken to be free-standing – the principle of autonomy, for example, or the Greatest Happiness Principle. One of the defining elements of care ethics, in contrast, is its normative grounding in the real needs of others. While principles such as autonomy, equality, fairness, and so on might play guiding roles in moral decision-making, they are not taken to be the source of morality itself. In addition, and in further contrast to traditional liberalism, care ethics understands that our responsibilities are to particular others with whom we are in relation. Our responsibilities are not towards “humanity at large,” nor to abstract “rights-holders,” but rather, to embodied individuals, attached to a particular history and social context. The best caring practices aim not only to identify and respond to needs,

but also to do so within a relationship in which participants are recognized and respected in their full particularity. The other to whom we are normatively connected is a “concrete” other, in Seyla Benhabib’s (1986) terms, not a “generalized” other.

Each of these components of care ethics can be helpful for generating responsibilities in regard to structural vulnerabilities. For one, the grounding of normativity in actual needs may illuminate specifically structural responsibilities otherwise neglected by principle-based theories. While principle-based approaches may be able to tell us what people are universally entitled to, they say very little about the reasons why some people lack these entitlements or who is responsible for securing them. (For a similar line of criticism, see Onora O’Neill, 2001: 183.) Care ethics, in contrast, takes it as one’s primarily moral responsibility to respond to actually-existing needs. As needs do not exist in a vacuum, the fullest possible response to an individual’s needs requires attention to the conditions in which the needs arise – where they come from, how they affect particular persons, what resources might be employed to remediate them, and so on. Responsibility to attend to structural features is not incidental to care ethics, but is rather a core component of the approach.

Furthermore, care ethics’ respect for the concrete other allows a fuller response to the harms associated with specifically structural vulnerability. Structural vulnerabilities occur within systemic relations of dominance and subjugation: approaches that “generalize” the other, or think of the other as simply a “rights-bearer,” inappropriately assume equality between the providers and recipients of aid. The problematic relation between the two parties does not appear, and so cannot be redressed. If the real inequality between providers and recipients of aid is recognized, however, so too are the additional responsibilities to avoid replicating patterns of dominance and subjugation within the provision of aid. With its goal to both recognize and respect the concrete reality of the other, care ethics also simultaneously generates responsibilities to recognize realities of structural inequality and implement strategies that aim to replace a relation of domination and subjugation with one of respect and empowerment.

The two normative aims described above – meeting needs and respecting others’ concrete realities – are contingent on a further aspect of care ethics being present: the ability to hear the voices of others. First, consider the aim of meeting needs. Here, the voice of the care-recipient has an instrumental value, facilitating an accurate identification of individuals’ needs. In care ethics, “needs” should not be thought of as universal or static, but rather, as emerging from a particular individual’s lived reality. The proper goal of care aims not to increase well-being in an objective sense, but rather, to increase well-being in a way that the care-recipient herself understands and endorses – to “respond to the specific context of others... and perceive people in their own terms” (Gilligan, 1984: 77). While there may be certain basic needs that can be defined objectively – the need for survival, e.g. – what it takes to meet these needs may vary significantly from person to person. Moreover, past this basic threshold, individuals differ significantly in their interests, talents, goals, and so on, and the best kind of care aims to promote individuals’ well-being in a way that affirms these understandings. This is not to say that care-recipients’ views should always and necessarily be accepted uncritically; individuals are not transparent to themselves, and the work of needs-interpretation includes a critical-reflective component. But the purpose of this critical reflection is not to “correct” or “supplant” a care-recipient’s view, but rather, to clarify and

develop it. For the care ethicist, an understanding of “needs” should emerge from an inclusive communicative process in which all perspectives, including and especially those of “the needy,” are taken seriously.

Hearing this voice is valuable not only for the practical value of accurate needs-assessment, but also for the value of building respectful relations with concrete others. The best caring practices aim not only to identify and respond to needs, but also to do so within a relationship in which participants are respected in their full particularity. In a caring relationship, “each is entitled to expect and to assume from the other forms of behavior through which the other feels recognized and confirmed as a concrete, individual being with specific needs, talents, and capacities” (Benhabib, 1986: 411). Drawing from object-relations theory, Anca Ghaeus argues that this kind of respect is fundamental for the emotional and psychological health that makes the good human life possible – that “what we need are personalized relationships in which we are valued for who we are or for what makes us unique individuals, and in which we value others for the same reasons” (2009: 65). The ability to voice oneself is necessary to this kind of relationship and the respect it entails. “[V]oice is a powerful psychological instrument and channel, connecting inner and outer worlds” (Gilligan, 1982: xv); by giving voice to our inner worlds, we allow ourselves to be known to others and so enable the possibility of the substantive sense of respect that Benhabib describes.

It is here, however, with the fundamental importance of voice, that I believe care ethics may run into troubles when it attempts to respond to structural vulnerabilities. I will explain the challenges in the next section.

### **3. A CHALLENGE TO CARE ETHICS: CAN WE HEAR ALL VOICES?**

#### *3.1. Meeting Needs*

I have noted above that one of the strengths of care ethics in application to structural vulnerabilities is that it acknowledges the need to look for contextually-informed solutions to concrete needs. Rather than looking first to formulate abstract rights, which may amount to mere “manifesto rights,” care ethics looks first to recognize needs and what can be done to respond to them.

The reason this is a strength is because, basically, it is practical. It begins with the need to respond (rather than leaving this as a question to be filled in later, as noted above), and so motivates action more easily than a principle-based approach. Moreover, the action it recommends is more likely to effectively increase well-being – to make real people’s lives actually better. Consider, for example, the enduring presence of child labor. There is no defensible principle that could justify children being subjected to such conditions. As such, it would seem that the only principled thing to do would be to outlaw the practice altogether. However, consider that child labor is the result of enduring social-structural processes: it is made possible by a global order that features extreme poverty and lack of economic opportunities in some areas of the world. Child labor persists not because parents do not adequately understand or value their children’s upbringing, but because their income is needed in order to keep the family afloat or to protect them against even worse options. In these conditions, as Roland Pierik (2006) has argued, an outright ban on child labor would not only fail to improve children’s lives but also quite possibly make them worse-off. What

is needed instead, Pierik argues, is an incremental approach to the ban, targeting only the “worst kinds” of child labor, while temporarily tolerating other kinds. These other kinds of labor ought to be addressed contextually; organizations concerned with child labor ought to work directly with affected communities to develop specific policy appropriate to their particular conditions.

I largely agree with Pierik and the care-ethical approach to structural vulnerabilities he represents. Given that structural injustice is enduring and cannot be fully eliminated (at least not in the immediate future), we ought to strive to make the conditions for structural vulnerable communities better rather than worse. However, I am concerned about what happens when the focus shifts from one of eliminating structural injustice and towards managing its effects. My concern is similar to Alison Jaggar’s: “when an agent is focusing on the concrete specificities of a situation, she is not attending directly to the social institutions that structure it and vice versa... In care thinking, social structure occupies a place comparable to the frame of a picture one is viewing; one must be aware of it in some sense but one pays it little direct attention” (1995: 195). Jaggar is concerned that this kind of mental “backgrounding” of social structures might lead to a de-prioritization of efforts that aim specifically at social-structural changes (1995: 196). I am perhaps more optimistic than Jaggar about a “trickle-up” effect of grassroots activism, and perhaps more pessimistic about the ability to directly affect more revolutionary changes, but I nonetheless share her concern regarding the de-centering of social-structural intervention. For me, this is not so much because of its potential effects on policy-setting goals (at least not directly), but rather, because of its effect on the discursive context in which the voice of the other can be heard.

What the backgrounding of social structures does is not simply marginalize the notion of more revolutionary alternatives in one’s own mind; it does so *everyone*, insofar as they wish to enter the discussion as to what is to be done. In other words, it sets a constraint on the discussion, thus prohibiting certain kinds of voices from being present. The effect is similar to the one Gilligan identified in Lawrence Kohlberg’s studies of moral development. Kohlberg’s theory of moral development assumed that there was only one path of development, and that it was the one articulated by the boys and men in his study – namely, an ethic of justice, which takes abstract rules and principles as absolutely primary to moral decision-making. When men’s perspectives are taken to represent a universal human perspective, Gilligan argued, and when women are then forced to fit themselves into this paradigm, the result is that women’s specific voices are erased (1982: xii). Similarly, I contend, the assumption that a discussion must yield practical action-guidance sets an inappropriately exclusionary frame on the discussion. When it has already been assumed that radical structural change is not feasible, and that the purpose of the discussion must be to yield actionable guidance, voices that would articulate the need for more than what is feasible are excluded. Just as the women articulating an ethic of care in Kohlberg’s study were instructed that they were not answering the question correctly and dismissed on those grounds, I am concerned that the voices of structurally vulnerable persons articulating a need for substantive structural change could similarly be devalued and dismissed. The discussion would then fail on care-ethical grounds: while the voices of individuals in a structurally-vulnerable community have been solicited, they have not necessarily been heard “in their own terms.”

The problem with Kohlberg's exclusion goes deeper than exclusion. The problem with his methodological structure was not only that it excluded women's particular voices, but also that it forced women's voices to fit a masculinist frame, within which they were obscured and inferiorized. As Gilligan noted, in Kohlberg's model women rarely progressed past the middling ("conventional") level of morality; as a result, women were cast as morally deficient. The effect was to dismiss both the value of women's voices and the alternative visions of the world that women's unique perspectives could offer. Likewise, I contend, the demand that discussions be "practical" may serve the ideological purpose of casting structurally vulnerable people as morally deficient – as non-self-respecting – and so also erasing from view the vision of a just world that their perspectives might otherwise offer. The reason for this is because the sorts of voices that are excluded are specifically those that would ask for more than what is feasible – those that would articulate "worthy ideals," to borrow terminology from Lisa Tessman (2010: 811). Worthy ideals are not required to be action-guiding, but instead aim to express our highest (even if unattainable) aspirations. As Tessman argues, recognition of "worthy" ideals is crucial for moral theory. Part of what one does when one recognizes worthy ideals is that one enables a critical evaluation of the nonideal options: worthy ideals permit one to recognize just how far the nonideal options are from our worthier ideals, and so allow us to express anger, grief, disappointment, so on. Because of this, they also allow individuals to maintain a healthy sense of self-respect, or a sense that they deserve better. This is especially important in a structurally unjust world, because it is precisely this sense of self-worth that structural injustice aims to take away from vulnerable populations. When participants are prohibited from voicing these ideals, they are also simultaneously precluded from voicing this self-worth. Just as Kohlberg's studies resulted in a distorted vision of women's moral capacities and moral development itself, a discussion that focuses only on action-guidance will result in a politically-partial view of the moral character of structurally vulnerable populations and of the possibilities for ordering the social-political world. Again, then, care ethics will have failed by its own lights: instead of allowing individuals to see one another as concrete beings worthy of respect, it may instead force some individuals into a framework in which they seem not to demand respect from others.

### *3.2. Respecting the Concrete Other*

The previous section addressed a challenge care ethics faces in its goal of meeting needs. Care ethics demands a consequentialist, forward-looking approach to structural vulnerabilities. Given their enduring nature, this demands that we be willing to leave some amount of structural vulnerabilities in place and settle for more "feasible" options. But the moment it does so, it also sets unacceptable constraints on the discussion regarding needs – constraints that make it impossible for the needs thus identified to be articulated "in individuals' own terms."

I now turn to consider the other aim of care ethics, namely, to build empowering relations with others who are understood as concrete. Here, too, the focus on building feasible goals raises a challenge. By focusing on what is feasible, we omit the question of *why* some things are feasible and other things are not. The effect is to protect currently dominant groups from accountability for their behaviors upholding unjust social-structural functioning. This failure to account implies a failure to consider oneself to be normatively connected to those who

would hold one accountable – in this case, structurally vulnerable groups. Again, then, a narrow focus on finding actionable goals ends up undermining another goal of care ethics, namely, generating respect for the concrete other.

The problem can be brought out by considering G.A. Cohen's (1992) criticism of Rawlsian incentive-based arguments for class differences. Cohen presents a Rawlsian argument against a tax increase for the wealthiest:

Economic inequalities are justified when they make the worst off people materially better off. [Major, normative premise]

When the top rate of tax is 40 percent, (a) the talented rich produce more than they do when it is 60 percent, and (b) the worst off are, as a result, materially better off. [Minor, factual premise]

Therefore, the top tax should not be raised from 40 percent to 60 percent (1992: 271).

The factual premise may well be true, but it provokes a further question: *why* is it true? Why won't the rich and talented work just as hard at 60% as at 40%? If we fail to ask the question, we treat the behavior of the rich and talented as if it were a sheer force of nature, something to be managed around but not something to be changed. We fail to see the rich and talented as members of the normative community, accountable to the community for their behavior, and subject to other community members' questions and objections.

Cohen's criticism of the Rawlsian argument can be applied to any instance in which a proposal for structural change is rejected as "impractical." When dealing with issues of structural injustice, we are definitionally dealing with issues that are brought about by human agency – complex networks of human agency, including both current and historic actions pooled together over time, but human agency nonetheless. Unlike occurrences of natural disasters, structural vulnerabilities could be eliminated if, hypothetically, sufficient numbers of people decide to change them and agree on a plan to do so. When we say that a structural change "is not feasible," then, we are not simply making a neutral statement of fact, but rather, a more complex assumption about the decisions and actions of a critical mass of people within our shared social structures; we are making a claim not about what straightforwardly *is* true and instead about what most of us *will make* true. When we fail to recognize this, we also implicitly disavow our normative connections with this dominant majority.

The problem for care ethics becomes more clear when we add to the analysis Cohen's "interpersonal test." The problematic nature of the Rawlsian argument can be realized more fully, Cohen argues, when we rephrase it using first-person terminology marking the discussants' group identities. In particular, the trouble arises when one imagines the presenter of the argument as a representative of rich and talented individuals, addressing badly off individuals who are in need of the talented individuals' efforts. What previously seemed like a neutral statement of fact now conveys an intention – in this case, something along the lines of, "if you raise taxes, we will not work as hard and, as a result, will make you materially worse off." If the speaker is unable or unwilling to provide an acceptable reason for the intended behavior, she demonstrates that she does not take herself to be a part of the same normative community as her audience, namely, badly-off people.

Again Cohen's criticism applies broadly to arguments that reject proposals for substantive structural change for reasons of practicality. Suppose now that the person arguing against more substantive structural reform is someone representing people who are relatively privileged by social structures, and suppose that she is presenting her argument to members of structurally vulnerable communities. Now the claim about feasibility is seen more easily as a claim about intention – something like, “if you demand more, we will do nothing at all to help, and will instead continue in our normal behaviors that subject you to more and more hardships.”

Again, if the speaker cannot provide an acceptable reason for the intended behavior, she implies a normative gap between her own group (those relatively advantaged by social structures) and others (structurally vulnerable people).

For Cohen, the problem with this normative gap is that it indicates that the proposed policy is not “comprehensively justified.” The problem from a more specifically care-ethical point of view, however, is that it indicates that structurally privileged people endorsing the policy have failed to recognize and respect structurally-vulnerable others. More exactly, the goal of forming respectful relations with the *concrete* other has failed. I emphasize the “concrete” because the issue is not necessarily one of generalized respect: the speakers take themselves to be respectful of others, in some sense. They are willing to consider their interests and make some adjustments to their behavior accordingly – in the Rawlsian case, for example, the rich and talented are willing to work at socially-valuable jobs (rather than less valuable jobs that they find more personally enjoyable, say) so long as there is at least some monetary bonus for doing so. The trouble is that the individuals they imagine themselves as respecting do not necessarily match the self-image of the individuals who are in need. The others that the relatively privileged individuals imagine themselves to be helping are those who are willing to accept a nonideal settlement, which means those who are most similar to the privileged group – those who most closely resemble the privileged group's sense of self, values, worldview, interests, and so on. In the Rawlsian example, the badly-off individual who is willing to settle for the lower tax rate is one who can afford it and has no principled stance against a welfarist capitalist state. The “other” who is recognized by the privileged speaker is scarcely “other” at all, in the sense of one who has a concrete reality and perspective that is different from one's own. The “other” that is respected by the privileged speaker is closer to the “generalized” other who is merely another version of oneself.

Consider, for example, the current choice in the US between pushing for universal pathways to citizenship (U) and the “Dream Act” (D). U would aim to eliminate the structural vulnerabilities facing 11 million currently undocumented immigrants; D would aim to do the same for 1.8 undocumented immigrants who were brought to the US as children and meet certain eligibility requirements. Currently, the Democratic party has focused almost exclusively on D rather than U for reasons of feasibility. The argument could be put in care-ethical terms and structured in the same way as the incentive argument:

Care requires meeting the needs of structurally vulnerable people. [Major, normative premise]

If we push for D, it is somewhat likely to be passed, alleviating structural vulnerabilities for 1.8 million currently undocumented immigrants. If we push



for U, it is unlikely to be passed, thus leaving all 11 million undocumented immigrants structurally vulnerable. [Minor, factual premise]

Therefore, we should push for D instead of U.

As in the incentive argument, the factual premise raises a question: *why* is the policy unlikely to be passed? Like in the above case, the answer lies not with inalterable natural fact (a lack of technological ability, for example) but rather in social practices – a complex blend of xenophobia, racism, capitalism, and so on. A proper understanding of the factual premise should not see it as an external fact, indifferent to our agency, but rather as a social fact, one that is perpetuated through our own decisions and behaviors.

In order to avoid externalizing individuals from the social processes that make the factual premise true, it may be helpful to apply the interpersonal test. Suppose one imagines the speaker to be a representative of US citizens who are relatively privileged within the current structure, and imagines the audience to be an undocumented immigrant who is unaffected by D. The factual premise can now be seen to manifest an intention, something along the lines of: “if you push for something more than D, we will make no policy change at all; the xenophobia in the US will continue to put you at risk and we will not push for the legislation that would protect you.” Insofar as the speaker cannot offer an acceptable reason for this intention, she demonstrates that she does not take the needs of the undocumented immigrant to be normatively motivating – she does not see herself in caring connection with her. The speaker *is* willing to meet the needs of *some* undocumented immigrants – namely, the 1.8 million who are eligible for a path to citizenship under D. But the relevant question for a care ethicist regards the reason she is willing to help – why is she willing to value these needs, and not others? Who does the speaker imagine herself to be helping – what is the source of her understanding of the other? Is her understanding of the other merely an extrapolation of herself, an extension of her own worldview onto the figure of another? Or is her understanding the result of attentiveness to and reception of the other’s voice, a reflection of her receptivity to the other’s own worldview?

In the case of this speaker’s argument, the answer may be the former. The Dream Act may help a huge number of people, but it also reflects and reinforces fundamental aspects of the US social structure that advocacy for universal pathways to citizenship might force her to challenge. The Dream Act asks the state to respond to the needs of some undocumented immigrants, but only those who can be “excused” using dominant norms of retributive justice – e.g., those who were brought to the US as children and thus lacked the capacity to willfully commit a bad act, and thus who do not “deserve” to be punished. The Dream Act does not compel its advocates to rethink fundamental assumptions about citizenship – e.g., that protection from the state must be earned, that committing a legal offense might disqualify someone from state protection, and that undocumented immigration should be counted as this kind of offense. Even as the speaker supports D, then, she fails to show the kind of respect for the concrete other that care ethics demands; the speaker seems not to base her support for D in the needs of the other *qua* other. The relevant difference between D and U is that the former does not require that the proponent take on the perspective of another who might be very different from herself. As in Benhabib’s critique of the veil of ignorance,

“the other as different from the self disappears” (1986: 412). The speaker fails to see the other’s needs *as* other, or else she fails to see them as normatively motivating at all.

#### **4. CONCLUSION**

I began this essay by showing how care ethics can provide a valuable framework for recognizing and responding to structural vulnerabilities. Unlike moral theories that prioritize abstract principles, care ethics instructs moral agents to look primarily to the concrete situation of others to whom they are connected. Given vast social-structural global networks, no individual can claim justifiable indifference to those suffering from structurally-produced vulnerabilities. Moreover, the demand to attend to the concrete brings with it a demand to reflect on social-political context and one’s position within it; if one’s context features relations of dominance and subjugation, it is one’s responsibility to reform the relations so that all individuals can be respected in their full moral equality. This reform requires individuals not only to attend to the needs deriving from structural vulnerabilities but also to eliminate the structural vulnerability altogether.

While care ethics generates responsibilities of structural reform, it is a separate question how individuals are to fulfill them. In this essay, I have been concerned about a tact that puts too much emphasis on bringing about immediate increases in material well-being. While this is no doubt one aspect of a caring response to structural vulnerability, if what I have argued above is correct, focusing too narrowly on this goal may have the effect of shutting out some voices and so also undermining the more holistic aims of care ethics. What I propose instead, then, is that efforts to alleviate needs be balanced against other, perhaps less immediately “useful,” projects. Drawing again from Tessman (2010), I am suggesting that the kinds of projects involved in a full realization of care ethics ought to include both those aiming to identify actionable goals (what Tessman calls “feasible ideals”) as well as those aiming to articulate and support “worthy ideals.” The latter sort of efforts are not meant to be action-guiding (at least not in an immediate or direct sense), but are instead meant to promote the kind of self-respect otherwise missing from the pragmatic action-guiding discussion.

The above suggestion implies that care ethics might generate conflicting responses to structural vulnerabilities. Some efforts might rightly aim to advance “The Dream Act,” for example, on the grounds that this is the best way to alleviate real and significant needs. At the same time, other efforts might rightly aim to criticize “The Dream Act,” on the grounds that it relies on problematic worldviews that perpetuate xenophobic and other oppressive practices. My account, then, suggests that it might be impossible to carry out a fully caring response to structural vulnerabilities within one and the same cohesive project. However, I do not think that this speaks against the value of care ethics on this topic. Care ethics, with its groundedness in the concrete world, cautions us against the sort of theorizing that would aim to eliminate conflict for the sake of formal consistency. As Robinson describes it, care ethics is a kind of moral philosophy that aims at “shared understand and communal problem-solving rather than forced conclusions;” unlike moral theories that prioritize abstraction and generalization, care ethics instructs us that “when thinking about ethics, we remember that it is real people, living real lives, about whom we are debating” (1999: 38). The real work of structural reform is inescapably messy: there is no “master plan” within which more particular activist efforts are organized, nor is there an overarching organization ensuring

proper order between its various parts. Given this reality, we should not expect a moral theory to guarantee consistency. The better moral theory is not one that promises to eliminate tensions, but rather, one that allows us to recognize them.

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## Unjustly Dismissing an Alternative: A Case of Epistemic Injustice among Epistemic Frameworks

BY/PAR **HOLLY LONGAIR**  
Vanderbilt University

### **ABSTRACT**

The concept of epistemic injustice has become a useful tool for understanding some of the wrongs and harms that result from the interplay of identity and knowledge. However, this paper proposes that analysis of epistemic injustice needs to consider not only the level of individual or institutional epistemic transactions, but also the level of epistemic frameworks. Drawing on Gaile Pohlhaus Jr. and Rajeev Bhargava, I examine the Cuban health care system and the epistemic framework it is based on as a case study of how prejudice that leads to the dismissal, discrediting and marginalization of such an epistemic framework can be an epistemic injustice.

**Keywords:** Epistemic injustice, Cuba, health care, epistemic frameworks

### **RESUME**

Le concept d'injustice épistémique est devenu un outil utile pour comprendre certains des torts et des inconvénients résultant de l'interaction de l'identité et du savoir. Cependant, cet article défend que l'analyse de l'injustice épistémique doit prendre en compte non seulement le niveau des transactions épistémiques individuelles ou institutionnelles, mais également le niveau des cadres épistémiques. En m'appuyant sur Gaile Pohlhaus Jr. et Rajeev Bhargava, j'examine le système de santé cubain et le cadre épistémique sur lequel il est basé, en tant qu'étude de cas sur la manière dont les préjugés qui entraînent la démission, le discrédit et la marginalisation d'un tel cadre épistémique peuvent être une injustice épistémique.

**Mots-clés:** Injustice épistémique, Cuba, Soins de santé, Cadres épistémiques

**JEL Classification:** A11, A12, A13

## **1. INTRODUCTION**

The language of epistemic injustice has provided scholars with an important conceptual scheme for addressing the interplay between identity, knowledge and ethics. However, the scope of this schema continues to be limited by its focus on cases of such injustice that occur in individual interactions. In what follows, I will suggest an addition to the conceptual scheme of epistemic injustice, which expands that focus from individuals and institutions to the level of epistemic frameworks. I will begin by outlining my understanding of both epistemic injustice and epistemic frameworks. I will then introduce a case study, examining the philosophy of José Martí and Che Guevara as a foundational source of what I will refer to as the *Cuban revolutionary epistemic framework*, and then outlining the ways in which this epistemic framework has shaped the Cuban health care system since 1976. I will argue that the marginalization and dismissal by many global actors of the Cuban approach to health care, and the epistemic framework that lies behind that system, is an epistemic injustice. It is the result of prejudice against ideas and policies that do not match the assumptions of the framework employed by dominant global forces, and particularly prejudice against anything associated with communism. This case is one instance in a larger pattern of epistemic injustices involving prejudice against alternative epistemic frameworks, which I hope will serve to start a wider conversation about this kind of injustice.

## **2. EPISTEMIC INJUSTICE AND EPISTEMIC FRAMEWORKS**

I employ a broad conception of epistemic injustice here, which follows Gaile Pohlhaus' argument that injustices are epistemic if: "they wrong particular knowers as knowers", "they cause epistemic dysfunction" (in the knower), and "they accomplish the aforementioned two harms from within, and sometimes through the use of, our epistemic practices and institutions" (2017: 13). Pohlhaus, following Kristie Dotson, argues that in order to ensure work on epistemic injustice does not perpetuate the oppression it seeks to name, scholars must use an open conceptual structure for analyzing the concept of epistemic injustice (Pohlhaus 2017: 14; Dotson 201: 24). The case study that this paper will focus on does not fit neatly into the existing typology of kinds of epistemic injustice<sup>1</sup>, and it pushes the edges of even Pohlhaus' broad characterization of the concept. However, embracing Pohlhaus' insistence on the openness of the concept of epistemic injustice should lead theorists to consider cases of epistemic injustice that go beyond the individual knower.

Rajeev Bhargava provides one account of what epistemic injustice at the level of epistemic frameworks would look like. He uses the term "epistemic injustice" to identify "a form of cultural injustice" which "occurs when the concepts and categories by which a people

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<sup>1</sup> For examples of kinds of epistemic injustice see: Fricker, M. (2007). *Epistemic Injustice: Ethics and the Power of Knowing*. Oxford University Press, New York: NY; Peet, A. (2017). Epistemic Injustice in Utterance Interpretation. *Synthese*, 194, 3421-3443; Hookway, C. (2010) Some Varieties of Epistemic Injustice: Reflections on Fricker. *Episteme*, 7 (2), 151-163; Pohlhaus Jr., G. (2012). Relational Knowing and Epistemic Injustice: Toward a Theory of Willful Hermeneutical Ignorance. *Hypatia*, 27 (4), 715-735; and Anderson, E. (2012) Epistemic Justice as a Virtue of Social Institutions. *Social Epistemology*, 26 (2), 163-173; (among others).

understand themselves and their world are replaced or adversely affected by the concepts and categories of the colonizers” (Bhargava 2013: 414). He defines these concepts and categories as an epistemic framework: “a historically generated, collectively sustained system of meanings and significance, by reference to which a group understands and evaluates its individual and collective life” (Bhargava 2013: 414).

The focus of this paper will be a case of epistemic injustice operating at this level of epistemic frameworks. Such instances of epistemic injustice affect all of the people and institutions that employ that framework in some way, but cannot be reduced to the epistemic transactions between individuals or within and between institutions. Although individuals will be impacted, to varying degrees, the harms and wrongs that result from instances of this kind of epistemic injustice are always caused by the structures of power that put one epistemic framework in the position of dominance through by adversely affecting the alternatives. As a result, it cannot just be said that injustice is done to a particular individual or particular institution. Instead, it permeates throughout the group of people who use the epistemic framework in question. Often, as Bhargava’s definition suggests, the structures of epistemic power sustaining such epistemic injustices are the result of the historical injustices of colonialism and imperialism.

### **3. A CUBAN EPISTEMIC FRAMEWORK**

Analyzing the case of the Cuban health care system and the epistemic framework behind it will help to illuminate the importance of considering this kind of epistemic injustice, particularly in the context of international development. According to the metrics used by international development community, such as the Millennium Development Goals, Cuba has made many advances in health care in comparison to other countries around the world (Millennium Development Goals Report Card 2010: 9; Campion and Morrissey 2013: 298) This system and its advances rest on a philosophy that was explicitly aimed at developing a society that (at least in theory) was based on an alternative to the dominant epistemic framework, which the revolutionaries saw as hegemonic and imperialistic. That alternative emphasized the need for ideas and practices rooted in the country’s unique historical, material and political context.

José Martí and Che Guevara were two of the central figures in developing that philosophy, which provided the foundation for an epistemic framework that presents an alternative view of what it means to be ‘developed’ and live a good human life, challenging the assumptions of many mainstream global development institutions and theorists. In doing so, it provides resources for improving peoples’ well being in areas such as health care that may be of use in countries where the dominant approach has fallen short. The fact that this alternative epistemic framework continues to be marginalized and dismissed seems to be primarily the result of prejudice based on its association with communism and the fact that it challenges dominant epistemic frameworks tied to global power structures.

What I refer to as the dominant approach is the one shaped by institutions such as the International Monetary Fund and World Bank, which seems to assume that a combination of capitalism, individualism and neoliberalism is the only framework within which the goals of global development can be carried out in an acceptable way. In contrast, Martí and Guevara’s philosophy urges the creation of epistemic frameworks that are developed by and

for Latin Americans<sup>2</sup>, tailored to the particular history and materiality of each specific place rather than transplanted from another part of the world. While I will be focusing on the material results of implementing that philosophy in Cuba, and show how Martí and Guevara contributed to the epistemic framework that has shaped the Cuban health care system, the most important aspect of that epistemic framework for this argument about epistemic injustice is its contextualism. It is the marginalization of not just the Cuban health care system but the wider ideas, meanings, and significances behind it out of prejudice that constitutes an epistemic injustice.

Martí's writing during the Cuban war for independence greatly influenced Guevara and other leaders of the Cuban revolution in the 1950s, who used those ideas as the foundation for the policies (particularly in health and education) that were implemented by the Cuban Revolutionary Government. According to Susan Babbitt, Martí puts a concept of embodied knowledge at the forefront of his philosophy, viewing all aspects of knowing as "radically contingent upon circumstances and conditions" of the knower (Babbitt 2017b: 263). He thought that because of the contingency of knowledge, "we must change the world, even ourselves, to know real human needs. Whether our beliefs about such needs are true depends on how we act and for what purpose" (Babbitt 2017b: 263). He considered knowledge a matter of contextual cause and effect, a dialectic where the world (including other human beings) "acts upon us and we receive it back" (Babbitt 2017a). The encroaching influence of imperialist nations was an insidious threat, shaping how Cuban saw themselves in ways that ran counter to really knowing their needs (Babbitt 2017a: 263).

As a result, Martí thought Cuban independence needed knowledge that would situate the history and people of Cuba in the embodied context of *that* particular place, a kind of knowledge that he saw countries under imperialist control as lacking. He claimed that an emerging country like Cuba "demands forms that are appropriate to it" (Martí 2002: 290) and that "to govern well, one must attend closely to the reality of the place that is governed" (Martí 2002: 290). Babbitt argues that he was particularly concerned with liberating Cubans from what he saw as the European liberal conception of the self embedded in the notion of negative freedom, which he thought was incompatible with Cuban experiences of colonialism (Babbitt 2017b: 262).

Babbitt also argues that epistemic injustice was a clear focus of nineteenth century independence movements, as well as of the Cuban revolution in the 1950s, long before the concept was coined in the U.S. (Babbitt 2017b: 266). In particular, she points out that Martí, and later Guevara, were concerned with the domination of ideas as an aspect of the domination of people. Revolution was "about what epistemic freedom really means" (Babbitt 2017b: 266). Although Fricker, Pohlhaus, and others would all acknowledge that issues of epistemic injustice were discussed long before 2007, the focus of such philosophers on the individual in their analysis of epistemic injustice leaves out important aspects of this earlier revolutionary concern with the issue. Analyzing the current dismissal of the Cuban

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<sup>2</sup> I do not claim that this is the only epistemic framework in Cuba, let alone in Latin America. I am specifically talking about the set of ideas, assumptions and meanings that has been embraced by the Cuban revolution, which I trace to Martí and Guevara (among others). There will be other epistemic frameworks at play in Cuba, including some that reflect what I have called the dominant epistemic framework.

revolutionary epistemic framework in terms of epistemic injustice adds a new piece to the open conceptual scheme that Pohlhaus emphasizes.

Guevara (among others) picked up on Martí's views of knowledge and of imperialism and used them to build a framework for the future of Cuba. He argued that to escape imperialism and outside economic domination, it was necessary "to build the new man and woman" of Cuba (Guevara 2002: 34) in whom the "love of living humanity is transformed into actual deeds" (Guevara 2002: 44). That process required the acquisition of "a new scale of values", ones that respond to moral rather than material incentives (Guevara 2002: 35) and recognize that "the pride of serving our fellow man is much more important than a good income; that the people's gratitude is much more permanent, much more lasting than all the old one can accumulate" (Guevara 2003: 117). In this framework, the individual is not an isolated, autonomous agent like the one assumed in liberal individualism, but instead one aspect of the "multifaceted being" that Guevara refers to as "the mass"<sup>3</sup> (Guevara 2003: 31). Each person is still a free and creative force, part of but not subordinate to the whole of the mass. Guevara claimed that he could see this consciousness of the "new man and woman" becoming a reality among doctors within the health care system established by Cuba's 1976 Constitution.

#### **4. THE CUBAN APPROACH TO HEALTH CARE**

The 1976 Constitution established a system built on the principle that health care is a right that should be "available to all equally and free of charge, and that it is "the responsibility of the state" to provide it (Keck and Reed 2012: 14). The system is highly structured and well organized, with a primary focus on preventative rather than curative medicine (Campion and Morrissey 2013: 298). Doctors and nurses live in the communities they serve, are available at all hours (Suri 2016: 641), and do home visits at least once a year to approximately 100-200 families they are assigned and live among (Suri 2016: 642; Campion and Morrissey 2013: 297; Loewenberg 2016: 327). The system is structured around "comprehensive prevention and healing through longitudinal relationships between physician and patient, woven into the fabric of the community" (Suri 2016: 642). This model recognizes the deep interconnection between the many aspects of peoples' lives and relationships that can impact their well-being, and tries to incorporate knowledge of those lives and relationships into health care practices. It attempts to reflect a focus on understanding exactly "how social and economic factors influence the health of society" (2016: 641), implementing a context-based, embodied and material approach to medicine that is in line with both Martí and Guevara's philosophies. To ensure this situated and comprehensive care is available to all, medical teams are sent to marginalized urban and rural areas in every corner of the island. This is

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<sup>3</sup> For Guevara, the term "the mass" does not have the negative connotations it has for other philosophers, such as Hannah Arendt. He argued that "in the history of the Cuban Revolution there now appeared a character, well defined in its features, which would systematically reappear: the mass. This multifaceted being is not, as is claimed, the sum of elements of the same type (reduced, moreover, to that same type by the ruling system), which acts like a flock of sheep. It is true that it follows its leaders, basically Fidel Castro, without hesitation. But the degree to which he won this trust results precisely from having interpreted the full meaning of the people's desires and aspirations, and from the sincere struggle to fulfill the promises he made" (Guevara 2003: 31)



meant to ensure that every citizen has access to the services needed to fulfill their right to health care, regardless of income level, race or remoteness.

Many of the practical components of this health care system, particular those related to universal access, are also incorporated into systems such as those in France, Germany and Canada. However, what is unique to the Cuban system is the explicit connection between health care and the broader revolutionary ideas of the epistemic framework constructed by Martí and Guevara. Even where similar systems of access medical care have arisen, the ideas behind those systems differ. Central to the Cuban health care system remains an anti-imperialist, contextualist epistemic framework that pervades through the Revolutionary Government's policies and motivates a focus on embedding the system in the history and needs of a particular place. The health care system is just one example of the practical results that have arisen from that alternative epistemic framework, results which should be of particular interest to those concerned with international development.

Looking at Cuba's approach to health care within its borders alone does not tell the whole story of the epistemic framework at play, and its importance as an alternative. A key aspect of both Martí and Guevara's philosophies was their focus on international solidarity. Guevara in particular emphasized the necessity of what he called "proletariat internationalism" for the success of his revolutionary aims (Guevara 2002: 44). He saw a need to create an alliance among developing nations in both "the struggle against imperialism" (Guevara 2002: 17) and what he called "the struggle against backwardness and poverty" (Guevara 2002: 18). That push for international solidarity has clearly remained central to the Cuban revolutionary epistemic framework, reflected by many policies of the Cuban government today.

One of the key policies of that internationalist approach to health care started with the founding of the Escuela Latinoamericana de Medicina (the ELAM) in 1998. The ELAM is a medical school that trains students from around the world, accepting them based "on the merit of their commitment to serve the vulnerable rather than gain personal fortune" (Huish 2009: 302). Its focus is on training practitioners for poor, indigenous, and otherwise marginalized communities, with the goal of providing "a first contact practitioner for every person" around the world (Flegel 2009: 305). By 2016, it had succeeded in training more than 26,000 students from more than 123 countries, including the U.S. Most of the students (regardless of nationality) are given full ride scholarships for six years, as well as free room and board and a small stipend while they are completing the program (Loewenberg 2016: 327).

Like the training received by doctors who work in the health care system within Cuba, the ELAM curriculum focuses on prevention, community health promotion, and addressing social and environmental factors. The model is meant to prepare the graduates for "the actual diseases they will encounter" and to train them "to identify, perhaps even to intervene in, the social, cultural and economic factors that create the disease incidence rate that they are encountering" (Flegel 2009: 305). In doing so, it embodies the contextualist element of the underlying epistemic framework. It is designed to prepare students from a variety of backgrounds for the varied contexts they will be working in. The ELAM also makes a degree in medicine, and the specialization of family medicine in particular, more accessible to those who could not afford to pursue it in many other countries (Loewenberg 2016: 328). By

targeting such opportunities at those students that express commitment to using their degrees to serve vulnerable and poor communities, the ELAM furthers Guevara's goal of international solidarity among those most in need around the world, and his hope to fulfill the right to health care for all.

According to the metrics used by the many prominent global actors in international development, Cuba has achieved a great deal in the way of positive health outcomes. In 2010, the country was "ranked near the top of those countries on course to meet the United Nation's Millennium Development Goals" (Keck and Reed 2012: 17), listed as one of the top 20 countries in terms of relative progress (Millennium Development Goals Report Card 2010: 9). Compared to the U.S.<sup>4</sup> the country achieved lower infant mortality, higher vaccination rates, and comparable life expectancy (Campion and Morrissey 2013: 298). During the decades leading up to 2010, much of the rest of the world trended towards "implicit privatization through health sector reform since the early 1990s" (DeVos et al. 2008: 289) and toward corporate monopolies of the pharmaceutical industry (De Quesada 2011: 138). However, Cuba took the opposite approach, and improved the health of its citizens to a greater degree than this dominant trend achieved in its neighbors.

Many critics of Cuba's health care system, such as Edward W. Campion and Stephen Morrissey, focus on how "the system is not designed for consumer choice or individual initiatives" and emphasize the lack of private health system as an alternative to the government run one (Campion and Morrissey 2013: 298). However, the same could be said of the health care systems of several European countries, such as France. If these critics primarily dismiss the Cuban system based on an unargued assumption that choice (and more specifically a certain conception of choice associated with capitalism) is essential to human life and health, it reflects a prejudice against any alternative to the neoliberal epistemic framework that seems to pervade many global institutions influenced by the U.S. (particularly if that alternative is associated with communism). If that dismissal is levelled against Cuba more strongly than against European countries with similar systems, that prejudice takes on imperialistic implications.

That prejudice serves to ignore and silence the competing epistemic framework that has shaped the Cuban health care system, and the philosophical arguments on which the system is based. It causes an epistemic injustice not only to the Cuban revolutionary epistemic framework but to all attempts to present an alternative perspective. It presumes the correctness of a dominant epistemic framework simply because it is dominant, and fails to explore the ways that other systems of meaning and understanding are able to provide better resources for promoting the well-being of those who employ that alternative. A key insight of the Cuban revolutionary epistemic framework, starting from Martí and Guevara, is exactly that: not only policies and systems but also ideas need to stem from the history and material reality of each place

Some of the criticism that the ELAM has received fits a similar pattern. According to Ken Flegel, many of the school's detractors are concerned that because of its focus on public health and family medicine (areas that receive less attention in most medical schools), "other

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<sup>4</sup> I use this comparison because it provides a clear and well known juxtaposition in approaches to health care.

areas taught in regular medical schools are missed” (Flegel 2009: 306). However, this critique once again assumes that because an approach is dominant in thinking on how a health care system and medical education should be run, it is the best approach. This does an injustice to those who seek an alternative.

Another critique of the ELAM casts doubt not on the value of Cuban health care system for Cuba, but on feasibility of the school’s internationalism. Some question whether the practices that the students at the ELAM are taught, and the Cuban health care model that they reflect, can be implemented in other countries. For example, Sam Loewenburg recounts a student from South Africa worrying that “implementing the prevention approach in her home country will be difficult, because the primary emphasis is on treating diseases as they occur” (Loewenburg 2016: 328). Moving from the treatment focused approach towards a preventative and more holistic model would take a value shift along the same lines as the one advocated by Guevara for Cuba. Other important elements of the Cuban approach such as home visits, knowing the local community, and spending a long time with the patient (Loewenburg 2016: 328) would require a similar shift. However, in Cuba that value shift accompanied a political, economic and epistemic transformation of the country that is unlikely to happen elsewhere today.

The countries that could most benefit from a health care system built on similar principles to that of Cuba’s are unlikely to follow Cuba’s example. With attitudes of prejudice against policies and ideas associated with communism continuing, as well as the ongoing antagonism of the U.S. towards Cuba, such a shift would be a great risk. Furthermore, most of countries in question currently have health care systems and policies that have been shaped by the restrictions imposed by the IMF and World Bank programs such as structural adjustment, which cut spending and reduced government oversight to the opposite of the centralized organization that is a key part of Cuba’s success in health care. Although many in the international development community recognize the flaws in structural adjustment programs as a policy, their legacies are still felt. While there are countries interested in learning from Cuba’s approach (DeVos et al 2008: 288), questions remain about the feasibility of implementing that model.

However, the point of my argument is not that the Cuban health care system should be transplanted to other countries as it is. Taking a health care system built for one context and forcing it into another with a different history and different material conditions would go against the very principles on which the Cuban health care system is built. Instead, I have tried to draw attention to the important resources to be found in the worldview and values on which the Cuban system has been built. The epistemic framework behind the system has value that is not reducible to the institutions and individuals that make up the system. When prejudice results in the denigration of that system and the marginalization of that alternative framework, an epistemic injustice occurs.

## **5. CONCLUSION**

There are two key aspects of what I have called the Cuban revolutionary epistemic framework that I have discussed that I want to emphasize. One is the insistence on resisting imperialism (particularly epistemic imperialism) that can be traced through both Martí and Guevara. The health care system reflects this resistance because of Cuba’s refusal to cave to

the external dictates of global institutions like the IMF and World Bank, and countries such as the U.S. The second is the emphasis on the need for both ideas and policies that are appropriate to a particular place, created with a focus on embodied, material context. This means that the Cuban health care system could not simply be exported to other countries if it is to remain true to that epistemic framework. I do not mean to argue here for the superiority of the Cuban health care system. Instead, my intent is demonstrate the injustice of dismissing the value of alternatives to what I see as the dominant epistemic framework, in health care and in other areas of international development, based on prejudice.

The Cuban revolutionary epistemic framework, and the health care system that has sprung from it, serves as a case study where such an epistemic injustice has happened and has resulted in a loss of both epistemic and material resources that could be useful for other people and places with similar concerns and needs. For example, in the aftermath of Hurricane Katrina, the help of a Cuban medical brigade was refused by Present George W. Bush (De Quesada 2011: 140). Cuban medical professionals would have experience with the results of hurricanes, and there was a need for medical aid. However, the history between the two countries points to prejudice against Cuba as the reason for this refusal. As another example, several countries (including Argentina, Peru, and Antigua) will not accept ELAM accreditation to practice medicine (Huish 2009: 303). Although there may be other explanations, this seems to indicate a prejudiced assumption about the skills and knowledge of students of ELAM based on having received their degrees in Cuba. In both cases, important resources that could have a positive influence on peoples' lives are lost because of prejudice.

Of course, this epistemic framework is not universally employed by Cubans, and there are also serious flaws in the whole system that has been implemented by the Cuban Revolutionary Government. However, the epistemic resources behind that system must be considered on their own merits. Dismissing or silencing the benefits of Cuba's approach to health care because of a prejudice against Cuba's association with "communism", and because it challenges the dominant approach, marginalizes a perspective that could contribute a great deal to the global attempts to improve health care for everyone. Such marginalization fails to take seriously the epistemic status and capabilities of those who employ this alternative epistemic framework, causing an epistemic injustice rooted in inequalities among who has the power shape the knowledge and the resources available in development efforts. Furthermore, it limits what ideas are thought to be worthy of consideration, and in doing so causes an injustice not only to the individuals whose skills and knowledge are being discredited, but also to those who are denied the benefits that an improved health care system could provide.

If I am correct that there is prejudice against the ideas and knowledge of the Cuban revolutionary epistemic framework, a prejudice based on its association with communism, then an epistemic injustice has occurred. The results of that prejudice wrong those who employ that epistemic framework, harming them as knowers and undermining their ability to employ those epistemic capacities and resources. It is a wrong caused by a imperialistic attitude about the superiority of one epistemic framework over all others and the attempt to impose that framework. In looking at the benefits of Cuba's system, lessons can be found about the flaws in the dominant approach that cannot be recognized when applying the

dominant epistemic framework alone. However, the benefits of the system cannot be separated from the epistemic framework and philosophy from which it has emerged, and a key part of that is the idea that humans and their well-being needs to be understood in their context. The Cuban system cannot just be exported to other countries, and neither can its epistemic framework. Instead, it needs to serve as a reminder that alternative epistemic frameworks should not be dismissed, discredited, ignored and marginalized based on assumptions and prejudice. To do so is an epistemic injustice.

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## Introduction

# Ethics and Economics: Main topic Justice and injustice in development

BY/PAR REBECCA GUTWALD

Munich School of Philosophy, Germany

In June 2018 the International Development Association (IDEA) hosted their eleventh international conference together with the Groupe de Recherche en Économie Théorique et Appliquée (GREThA) in the beautiful city of Bordeaux, France. The congress was called “*A World United: Allies and Ethical Action in International Ethical Development*”.

The conference brought together a considerable number of scholars from different corners of the world creating a platform to debate current issues and events in development. This year’s conference theme was “*A World United: Allies in Development*”. It focused on issues how to promote development via forming alliances, which is a pressing subject in today’s world. The conference theme was chosen with the hope of inspiring thoughtful conversations about the important relationships that can both frustrate and facilitate development. In a time in which nationalism, inequalities and anti-migration sentiments are on the rise in many countries, it more important than ever to keep the conversation going and look for new paths together, on an international level.

The International Development Ethics Association is uniquely suited for engaging in the discourse. It was founded 1984 as an international, cross-cultural, and interdisciplinary group of philosophers, development and environmental theorists, and practitioners. In the light of reasonable ethical principles, IDEA is committed to bringing about improvements in development and environmental policies, institutions and projects.

Members of IDEA do not only focus on reflecting ethical development goals and strategies and connect them to relations between the “North” and “South”. Economic growth and the currently dominating neo-liberal ethics have failed to provide substantial human development. Quite to the contrary, it has often increased inequalities and precariousness. Scholars in IDEA are thus looking for alternatives rooted in ethical principles, which can be applied to the theory and practice of global, national, and local development. Many scholars in IDEA also devote their work to effect ethical development policies and practices. Since IDEA is an international network, its goal is also to promote solidarity, mutual support, and interchange among those development theorists and practitioners throughout the world who are seeking to implement ethically better development paradigms and strategies.

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Given this premises, it comes as no surprise that many papers presented at the conference deal with the topic of justice and injustice, which is a foundational issue in development. The relationship of development policies to social justice is key theme for development ethics, and also a notoriously complex and difficult one. The current issue collects papers that deal with different aspects of justice and injustice in development that were presented at the IDEA conference. Thus, this special issue deals with foundational normative issues of development from diverse theoretical and conceptual perspectives including philosophical argument, empirical analysis of alliances within and across social categories and entities, examinations of policy, and the formulation of action strategies.

The first three papers address specific contexts in which injustices occur within development efforts. In her contribution, Christine Koggel addresses the deeply problematic issues of injustice of settler nations towards their indigenous population. Koggel discusses examples from the reports of Canada's Truth and Reconciliation Commission and of its National Inquiry into Murdered and Missing Indigenous Women and Girls Koggel to highlight her argument that that these reports bring the rich history of Indigenous collective interpretative resources and the networks of relationships shaped by them to light. These resources have hitherto been ignored or dismissed by employing the dominant collective interpretative resources of non-Indigenous Canadians. Koggel argues that we find foundational and structural injustices in settler nations, which are at bottom epistemic injustices, ones that have implications for accounts of agency, participation, and self-determination as they are affected by relationships of power. The latter get to determine who is allowed to participate or not, which is a vital and fundamental interest of social justice.

Epistemic injustice is also a focal topic in Holly Longair's paper. Longair acknowledges that the concept of epistemic injustice has become very useful on an individual and institutional level, but that it leaves out an important dimension: epistemic frameworks. Drawing on examples of the Cuban health care system as a case study and the epistemic framework underlying it, Longair illustrates how prejudice can lead to the dismissal and marginalization of whole epistemic frameworks. She resumes that this leads to a significant form of epistemic injustice that needs to be further examined.

Steve Viner's contribution addresses injustices towards the poor in developing countries by discussing the justification often given for the establishment and continuing existence of sweatshops. Viner criticizes Benjamin Powell's alleged comprehensive moral defence of sweatshops. He argues that Powell's account fail fails to address its strongest moral opponent and is therefore far from comprehensive. By using several practical examples, he points out how that sweatshop employees are not being treated in accordance with the minimal moral treatment that they all deserve simply by being persons. In addition, Viner highlights the universal moral duty to set up institutions, policies and laws that help sweatshop employees get the minimal moral treatment that they deserve. As a result, Viner concludes that sweatshops should no longer be seen as the "first rung on the ladder out of extreme poverty." Rather, sweatshops keep the poor in poverty thereby pitying poor people against other poor people. The institution of sweatshops is deeply unjust as a result.

The remaining three papers deal with issues of justice and injustice on a more general, theoretical level. Jessica Payson raises the question how care ethics is equipped for dealing with structural vulnerabilities in development. She argues that care ethics faces a



fundamental challenge in addressing structural vulnerabilities. Her main argument is that one of its main strengths, namely the focus on alleviating individuals' material needs, generates a weakness. It can lead to disrespecting the voice of the concrete other. As a result, Payson concludes, a full application of care ethics as a response to structural vulnerabilities must moderate or at least complement its focus on material needs.

Mladjo Ivanovic examines another ethical theory that is used prominently in development. He explores the current problems surrounding humanitarian ethics from two perspectives. The first one argues that shortcomings of humanitarianism are symptoms of deeper social and political problems inextricably linked to the nature of humanitarian practices. The second critically assesses humanitarian compassion as the primary moral (and political) disposition of the 21st century. By pointing to inconsistencies and disclosing pathologies internal to the humanitarian system, Ivanovic shows the pitfalls that a reimagined humanitarianism needs to avoid. Based on his critical assessment, he makes a case for rethinking the objectives and nature of humanitarian assistance today in emphasising that humanitarianism should focus on restoring the autonomy of those affected by humanitarian crises and foster further development of their social environment, individual capabilities. An important part of this form of assistance lies in improving people's sustainability and resilience.

The final contribution of the issue deals with the topic of environmental justice and the concept of alliance. A focal topic is to whom or what human beings should have alliances to. Shashi Motilal's paper argues that ecological justice which is rooted in an ecocentric approach to nature can serve as the key to achieving integral human development. By distinguishing between relations at two distinct levels - one the relation among humans and another between the entire human community and other elements of the ecosystem – Motilal lines out that the latter is fundamental and the basis for justice between human beings.. The paper argues for a non-anthropocentric alliance between the human and the non-human realm in addition to the alliance among human communities to achieve the same purpose of ecological well-being and ecological justice.

The diversity and depth of the articles in this issue demonstrates the value of philosophical analysis in the context of justice and injustice. No doubt, development ethics is a complex and multidimensional matter, since it is an inter- and cross-disciplinary venture. Institutions, policies and attitudes need to go through critical scrutiny to examine the value and the problems that they create in development projects. Philosophers, ethicists, political, environmental and social scientists thus need to work closely together and be open for exchange with other disciplines. Only then, critical reasoning between and across disciplines will be fruitful. The IDEA conference of which the articles are a small, but important segment, has shown how such interdisciplinary collaboration and dialogue is possible and indeed necessary to meet the challenges in development that we face today.