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Robert M. Ruehl

St. John Fisher College, rruehl@sjfc.edu

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# Reimagining Justice as Preservative Care for Sustained Peace: Learning from Ethics of Care and Indigenous Philosophies

## Abstract

In *A Theory of Justice*, John Rawls offers a unique conception of justice as other philosophers have before him, such as Plato, Thomas Hobbes, and David Hume (Pomerleau n.d.). From a different angle, ethics of care philosophers have addressed justice too (Bubeck 1995; Engster 2007; Held 2006; Tronto 2013). For Western ethical and political thought in general, justice has been important, and existing political orders have made justice a significant, genuine virtue. In the United States, the Preamble of the Constitution includes establishing justice as one of its goals; respect for justice molds American youth as they pledge allegiance to the flag, a recitation ending with the phrase “with liberty and justice for all” (Okin 1989, 3). Furthermore, James Madison believed that “justice is the end of government”, and the principles of justice help the majority to unite despite many parties and various interests (2003, 254-255). Arguably, Western society has failed to realize justice, whether this relates to race and police brutality, economic inequality and exploitation, oppression of women or people with different gender identities, or colonization and genocidal practices against Indigenous nations and peoples; some may claim Western societies have done more to promote injustice. In this essay, I will reimagine justice and offer an alternative interpretation: justice as preservative care for sustained peace.

## Disciplines

Philosophy

## Comments

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# *Reimagining Justice as Preservative Care for Sustained Peace: Learning from Ethics of Care and Indigenous Philosophies*

Robert Michael Ruehl

In *A Theory of Justice*, John Rawls offers a unique conception of justice as other philosophers have before him, such as Plato, Thomas Hobbes, and David Hume (Pomerleau n.d.). From a different angle, ethics of care philosophers have addressed justice too (Bubeck 1995; Engster 2007; Held 2006; Tronto 2013). For Western ethical and political thought in general, justice has been important, and existing political orders have made justice a significant, genuine virtue. In the United States, the Preamble of the Constitution includes establishing justice as one of its goals; respect for justice molds American youth as they pledge allegiance to the flag, a recitation ending with the phrase “with liberty and justice for all” (Okin 1989, 3). Furthermore, James Madison believed that “justice is the end of government”, and the principles of justice help the majority to unite despite many parties and various interests (2003, 254-255). Arguably, Western society has failed to realize justice, whether this relates to race and police brutality, economic inequality and exploitation, oppression of women or people with different gender identities, or colonization and genocidal practices against Indigenous nations and peoples; some may claim Western societies have done more to promote injustice. In this essay, I will reimagine justice and offer an alternative interpretation: justice as preservative care for sustained peace.

First, the traditionally accepted interpretation of justice will be explained, which focuses on humans getting what they deserve.

Second, Book I of Plato's *Republic* and Cicero's *On Duties* provide reasons for rethinking the concept of justice as a necessary component for being an excellent, thriving person. Plato and Cicero create space for partiality and care when considering justice, so the relevance of ethic-of-care approaches for reimagining justice becomes obvious. An ethic of care foregrounds partiality and urges people to remember how necessary care is in daily relationships, institutions, and societies, but it also provides a normative component that spurs people to make caring relationships more just. With some exceptions (Engster 2006; Puig de la Bellacasa 2017), care philosophies tend to be human-centered and underdeveloped regarding responsibilities to nonhuman relatives, specific localities, and ecosystems. Consideration of Indigenous philosophies helps to broaden understandings of justice and care (Whyte and Cuomo 2017); they cultivate greater concern for nonhuman relatives, respect for place, religio-spiritual framings of creation, and a positive peace that moves beyond the mere absence of violence. They foreground giftedness and advocate cultivating balance, harmony, and a lasting peace in all relations. From this exploration, justice as preservative care for sustained peace emerges.

This essay's orientation is influenced by the philosophy of Gilles Deleuze, a thinker who has shaped assemblage theory, cinema studies, moral philosophy, and more (Bogue 2003; Buchanan 2021; Jun and Smith 2011; Rajchman 2000). Deleuze emphasizes the creation of concepts in philosophy, an affirmative process that generates new concepts, connects concepts in novel ways, and gives voice to new problems or reframes old ones (Conway 2010; Deleuze and Guattari 1994). Concerning criteria for new philosophical texts, Deleuze wrote the following words in a 1986 letter to Arnaud Villani:

I believe that a worthwhile book can be represented in three quick ways. A worthy book is written only if (1) you think that the books on the same or a related subject fall into a sort of general *error* (polemical function of a book); (2) you think that something essential about the subject has been *forgotten* (inventive function); (3) you consider that you are capable of creating a new *concept* (creative function). Of course, that's

the quantitative minimum: an error, an oversight, a concept.... Henceforth, for each of my books, abandoning necessary modesty, I will ask myself (1) which error it claims to correct, (2) which oversight it wants to repair, and (3) what new concept it has created (Dosse 2010, 112).

The error I seek to correct is an overemphasis on merit in the “long tradition” of justice, an error that continues to shape contemporary societies and political structures (such as those found in the United States) leading to the “tyranny of merit” and its harmful consequences (Sandel 2020). An oversight in Western philosophy, and in most writings on care ethics, relates to the natural world and our non-human relatives; in this essay, I want to reorient justice and care by connecting them more to the natural world and nonhuman beings. The new concept I put forward is one that unites some of the best elements in Western philosophy from Plato and Cicero, care ethics, and Indigenous philosophy. In the end, I hope this essay will help us to rethink relationships and the socio-political contexts we inhabit, so we can live better lives and make the world a better place for all sentient beings and for future generations.

### **A Commonplace Understanding of Justice**

Some believe egalitarian conceptions of justice conceal the traditionally accepted concept of justice, which is discernible in the work of Simonides (c. 548-468 B.C.E.). In *Republic* Book I, Polemarchus clarifies Simonides’s view of what is just: “[Simonides] stated that it is just to give to each what is owed to him. And it’s a fine saying, in my view” (1992, 331e). In *The Four Cardinal Virtues*, Josef Pieper foregrounds this “long tradition” of justice as what one deserves:

Nevertheless there is a notion of the utmost simplicity to which that bewildering variety [of conceptions of justice] can be reduced. Indeed, Plato already mentions it as if it were handed down by long tradition. It is the notion that each man is to be given what is his due (1965, 43-44).

From this, a clear understanding of injustice emerges for Pieper:

All just order in the world is based on this: that man give man what is his due. On the other hand, everything unjust implies that what belongs to a man is withheld or taken away from him—and, once more, not by misfortune, failure of crops, fire or earthquake, but by man (1965, 44).

Justice concerns the ways humans interact and how societies ought to treat people; the concern is with what each person should or should not receive based on who they are, what they have done, and the consequences of their actions. Emphasis is on merit, and this generates the idea of justice as desert.

Philosophers have challenged this understanding; John Rawls emphasizes luck's role in people's talents and genetic inheritances: what people think they deserve is often based on a "natural lottery" that does not originate in merit (1971, 64-65). John Kekes, however, criticizes views that attempt to isolate justice from desert. He asks readers to contemplate two societies; the first distributes benefits and burdens randomly, and the second distributes benefits and burdens according to people's actions and the characters that produce those actions: good people get benefits, bad people get burdens (2006, 88-89). Unlike the random society, the ordered society enables people to have reasonable expectations about outcomes based on their characters, choices, and actions. Kekes has asked people, "Which pattern would you impose?" He claims, "I have yet to meet one who would not impose the ordered pattern" (2006, 88). The ordered society allows people to get what they deserve; people can predict that if they perform specific good actions, they can expect certain good outcomes. In a random society, however, people would know that "hard work, intelligent choice, and self-discipline, for instance, have exactly the same chance of success as sloth, stupidity, and self-indulgence" (2006, 89). The ordered society allows people to meet their needs, to cultivate the life they want to live, and to have reasonable expectations about benefits. People prefer the ordered society because they will get what they deserve.

Kekes emphasizes an important point; he claims "justice is essentially egalitarian" (2006, 106). Alluding to Aristotle, Kekes claims justice as desert is compatible with treating "equals equally and

unequals unequally” (2006, 106); people interact with others in dissimilar ways, they meet or fail to meet their obligations differently, and what they have done (along with the associated consequences) will warrant disparate advantages or disadvantages. People acting in beneficial ways should be treated equally and receive similar benefits; people acting in deleterious ways should be treated equally and receive similar harms. The two classes ought to be treated unequally. This is why egalitarian views of justice are misguided: egalitarians overlook the centrality of characters, actions, consequences, and the cultivation of merit based on how well people have lived in society; according to Kekes, egalitarianism may be argued for based on other concepts or values, but it is not grounded in justice. In the end, justice as desert is hierarchical, it reinforces inequalities concerning who receives benefits and burdens, and it exploits a *prima facie* consensus for order over randomness by focusing principally on the link between character, actions and their consequences, and related earned benefits or harms.

Some doubts exist, however. First, merit and desert are based on a society’s values and norms; descriptively, certain characters and actions may be valued, but that does not mean they *ought* to be valued. What is thought to be just in one society may later be seen to be unjust by future generations; simply because a society is well-ordered and facilitates people getting what they are due does not mean that justice exists. Oppressed people have often lived in well-ordered societies and have gotten exactly what they deserved according to established standards, so desert alone is insufficient. Second, justice as desert fails to address whether the conferred benefits and burdens improve individuals, their communities, and the common good; justice as desert is partly decontextualized and offers little to no guidance concerning whether what people deserve will actually work toward the good of the recipient or those in a relationship with the recipient. Winners of lotteries, for example, have deserved their winnings, but the financial windfall in some cases has led to worse lives through deleterious extravagance. Third, by simply focusing on merit and individuals, it is unclear whether justice as desert will move

beyond negative peace (as the mere absence of violence) to cultivate a positive peace in society. Plato and Cicero were aware of similar deficiencies.

### Revising Justice: Plato and Cicero

In Book I of Plato's *Republic*, Polemarchus amends the idea of justice: "friends owe it to their friends to do good for them, never harm", and "in my view what enemies owe to each other is appropriately and precisely—something bad" (1992, 332a-b). Socrates is uncomfortable with this; justice is a "human virtue" (335b), and a human virtue makes people better or excellent. For this reason, Socrates resists injury-causing descriptions of justice as desert because they support harming people. Instead of improving people, giving others what they are due by harming them will lead those who are injured to be worse off (335a-e). Socrates claims,

If anyone tells us, then, that it is just to give to each what he's owed and understands by this that a just man should harm his enemies and benefit his friends, he isn't wise to say it, since what he says isn't true, for it has become clear to us that it is never just to harm anyone (Plato 1992, 335e).

What has been identified by Pieper, Kekes, and others as the "long tradition" of justice is misguided: justice as desert supports harming others.

Cicero foregrounds the beneficial nature of justice in *On Duties*; his Latin title (*De officiis*) was meant to allude to the Greek Stoic emphasis on cultivating "appropriate behaviour directed towards virtue" (Walsh 2000, xvii). Justice is one of the four virtues that make a person a moral human being; the other attributes are wisdom, courage or a lofty spirit, and temperance or moderation. From these four attributes, human obligations or duties emerge. Cicero indicates justice is primarily concerned with social obligations:

Of justice, the first office is that no man should harm another unless he has been provoked by injustice.... We are not born for ourselves alone, to use Plato's splendid words, but our country claims for itself one part of

our birth, and our friends another. Moreover, as the Stoics believe, everything produced on the earth is created for the use of mankind, and men are born for the sake of men, so that they may be able to assist one another (1991, 9-10).

Cicero emphasizes the negative and positive aspects of justice: do no harm (unless to protect oneself from harm), and support the welfare of others and the common good. He connects the positive dimension with beneficence, generosity, or kindness. In being beneficent, the person must be sure to not harm the recipient or others in the process; such actions should not exceed one's capabilities or resources, and they must be appropriate to the recipient's character. For Cicero, beneficence has its roots in love, fondness, and obligation to others, and he writes that we ought to "enrich above all the person who is most in need of riches" (1991, 21). Such assistance is embedded in various spheres of human social relationships: our connection with the entire human race, one's country, and one's family and friends. Cicero's cosmopolitan outlook shapes his view of justice with beneficence, an outlook emphasizing respect for humanity and the belief that human beings should be treated as ends in themselves, never merely as a means (Nussbaum 2019, 27).

The juxtaposition of justice as desert with Plato's and Cicero's amendments is relevant to Reinhold Niebuhr's insight:

The most perfect justice cannot be established if the moral imagination of the individual does not seek to comprehend the needs and interests of his fellows... Any justice which is only justice soon degenerates into something less than justice. It must be saved by something which is more than justice (1960, 257-258).

Justice as desert is too thin because the effects on individuals and the common good remain unaddressed; it overlooks how desert may diverge from improving the recipient of a benefit or how a burden may cause unneeded suffering. Socrates raises this issue: suppose a friend has lent you a weapon, and that friend comes back for it, but is furiously insane; Socrates makes it clear that to give back the weapon would be unjust, even though the friend deserves it (Plato

1992, 331c-d). Justice as desert must be supplemented with a concern for the person's well-being, which should limit the criterion of desert. Cicero embraces the good of the individual person and argues that justice should support the common good and bind people together as a society and as one large human community. The implications of Plato's and Cicero's views are significant; they challenge the enduring belief that impartiality should guide the distribution of desert. Justice cannot be impartial because concern with bettering individuals, the common good, and humanity as a whole cannot be realized through abstract, disinterested, and delocalized ways of distributing benefits and burdens. Concern for individuals embedded in context-dependent relational networks should be included as an essential part of the concept of justice, and such concerns move us closer to a positive peace.

### **Justice and the Ethics of Care**

Ethic-of-care history is grounded in feminist oppositions to abstractions, universality, impartiality, delocalized justice, and principle-based moral philosophy, which have been nurtured historically by a "male" voice that excludes, underrepresents, or misrepresents women (Collins 2015; Nye 1990; Rachels 2012, 147-58; Sander-Staudt; Shafer-Landau 2018, 276-90). For example, Lawrence Kohlberg posited a six-stage ethical framework of development, and women supposedly occupy a lower level of development because they concentrate more on social roles, relationships, and interpersonal expectations. The highest stage, however, is associated with abstract reasoning, universal ethical principles, rights, justice, and a Kantian-influenced orientation. As Carol Gilligan observes,

Prominent among those who thus appear to be deficient in moral development when measured by Kohlberg's scale are women, whose judgments seem to exemplify the third stage of his six-stage sequence. At this stage morality is conceived in interpersonal terms and goodness is equated with helping and pleasing others (1993, 18).

To move beyond this level, women would have to enter the realm of traditional male activity:

Kohlberg and Kramer imply that only if women enter the traditional arena of male activity will they recognize the inadequacy of this moral perspective and progress like men toward higher stages where relationships are subordinated to rules (stage four) and rules to universal principles of justice (stages five and six) (1993, 18).

Devaluing women is consistent with traditional Western philosophical biases: Aristotle believed men are superior to women by nature, Aquinas evaluated women as defective, and Kant thought that laborious education weakened women's charms (Shafer-Landau 2018, 276). Resisting this, feminist care ethicists have argued not only for equality between men and women, but they have challenged traditional moral philosophy by foregrounding care, partiality, and localized relationships; the role of parenting gained significance as a way to think ethically.

In the early stages of development, conflict existed between care ethics and justice; in *The Ethics of Care*, Virginia Held asserts,

As thinking about [how] care developed, care and justice were often seen as alternative native values. "Care" and "justice" were taken to name different approaches to moral problems and characteristically different recommendations concerning them. Care valued relationships between persons and empathetic understanding; justice valued rational action in accord with abstract principles (2006, 62).

Nel Noddings agrees: "The language of the mother concentrates on relationships, needs, care, response, and connection rather than principles, justice, rights, and hierarchy" (2013, xiv). This shift supports particular concerns about individuals and accepts emotions, caring, and partiality in moral philosophy and ethical decision-making. Noddings claims,

Caring preserves both the group and the individual and... it limits our obligation so that it may realistically be met. It will not allow us to be distracted by visions of universal love, perfect justice, or a world unified under principle (2013, 100-101).

Early care ethicists and those who embraced justice as desert could agree with one another: care and justice diverge.

The ground between ethics, justice, and the personal caring realm has shifted over the years. Susan Moller Okin supports including justice in the sphere of the family:

the family... must be just if we are to have a just society, since it is within the family that we first come to have that sense of ourselves and our relations with others that is at the root of moral development (1989, 14).

Annette C. Baier values sentiments, gentleness, and sympathy, but she specifically values trust, which she argues is a fundamental component in human relationships; yet she also believes that justice and care should not remain antagonistic, but must be harmonized (1995, 18-32, 95-202). Daniel Engster's project is that "of developing care ethics into a theory of justice", and he claims that "the principles of care theory are central to *any* adequate theory of justice" (2007, 5); Engster argues that through care theory, justice can be improved making sure all people get the care and support they need (2007, 7). Finally, Held embraces this stronger association between justice and care; she indicates care ethics is in its infancy compared to justice's long history in Western thought, and she advocates that "the ethics of care can and should include the concerns of justice, the general welfare, and the virtues" (2015, 34). Ethic-of-care approaches have become more inclusive: justice and care do not have a predetermined, enduring hostile relationship; they can work together.

Joan Tronto supports this view: "We need to demand that caring responsibilities be reallocated in a way that is consistent with our other values, such as equality, justice, and freedom" (2015, 38). Tronto reimagines democratic societies; they ought to be based on care and should care more about caring practices. She defines care in the following way:

in the most general sense, care is a species activity that includes everything we do to maintain, continue, and repair our world so that we may live in it as well as possible. That world includes our bodies, our selves, and our environment, all of which we seek to interweave in a complex, life-sustaining web (as quoted in 2015, 3).

Care includes five dimensions: (1) being more attentive, (2) being more responsible for others, (3) being more competent in caring, (4) being more responsive to those cared for, and (5) being a citizen who cares with other citizens (2015, 5-16). People have needs, which are supported through the work of others. Others care for us, and we care for others; this occurs on a spectrum from receiving to giving care. To care, however, is to be more discerning and attentive of those in need (caring about); it is to identify who is responsible for another's care (caring for); it is to identify who should competently give care to another (care giving); and it is about being responsive to those we have cared for, listening and responding to their feedback (care receiving). Caring is a two-way relational process supportive of communication between care giver and care receiver, and some who give care today will receive care tomorrow. A level of reciprocity is often present as we give back to those who have cared for us, or we care for others based on the care we previously received. Tronto weaves this into the democratic political structure: we want a democracy that is attentive, responsible, competent, and responsive to its citizens and helps them to live in the world as well as possible, while supporting them in caring for each other. A just democratic political system will cultivate a more caring society.

Eva Feder Kittay agrees based on her philosophical expertise and her experience as a mother with a daughter who has a severe intellectual disability; U.S. society needs to provide more support for caregivers, care-receivers, and families with loved ones in need (2001, 566). While society can support the flourishing of some with disabilities, Kittay argues other disabilities resist well-intentioned reforms:

Someone such as my daughter could not survive, much less thrive, without constant and vigilant attention, without someone performing for her nearly all the tasks of daily living, as well as providing for her—and her caregiver—the material resources required for her existence and flourishing (2001, 566).

Her daughter is a person, however, no matter how different she may seem when viewed through a liberal conception of personhood. In

different ways, Aristotle, Locke, and Rawls have focused on rationality, reasonableness, and being a productive member of society; her daughter, Sesha, will never meet the criteria established by their marginalizing standards. Through compassionate, attentive interactions with Sesha, Kittay is clear that her daughter is an active member in forming her own world:

The shaping of one's world is a gift that each individual possesses and that some make more use of than others. Sesha, in spite of all her limitations, makes ample use of this gift. To be with Sesha is to enter her orbit, to gain a glimpse of the world as she constructs it. Even those who are still more limited than Sesha have this capacity. It requires an openness to experience it (2001, 568).

All humans exist in relationships with various levels of dependence and independence; through more receptive, attentive interactions caregivers and care-receivers can learn from one another. Kittay reminds readers how the boundaries of justice should expand to value various levels of dependency and the importance of care:

Justice that is caring begins with an acknowledgment of our dependency and seeks to organize society so that our well-being is not inversely related to our need for care or to care; such justice makes caring itself a mode of just action (2001, 576).

In harmony with Kittay, Barbara J. Lowe offers a relationally-based moral philosophy that weaves together justice and care; she avoids including care as a supplement. Care is a component of justice: we cannot have "a comprehensive notion of justice" without special attention to the role of care (2007, 96-97). The concept of justice includes care, and contextualized ways of bringing justice into the world should emphasize ways of caring and relating. Unlike Rawls, Lowe embeds justice in a relational ontology: human beings enter the world within a network of relationships, and they live their lives within networks of relationships. Lowe, however, divides the concept of justice in two; there is an abstract realm that respects basic human needs and rights, and it is oriented around nonmaleficence. The particularized realm, however, takes shape within the space of specific

relationships that, ideally, cultivate beneficence and flourishing lives; this honors localized relationships, roles, and obligations that constitute unique human lives. Both realms are grounded in, and seek to cultivate, a deep respect for persons, but to focus solely on abstract justice would lead to shallow relationships.

Lowe makes it clear that the vibrancy of life emerges from relationships that allow people to enter reciprocally into each other's lived reality, to come to understand the other person intimately for who they are, and to mutually make each other's life better and more fulfilling; this receptive relationship is based on loving perception and actions. This is juxtaposed with arrogant and sterile perceptions and actions; the first is based on conquering others, non-mutuality, and an instrumental use of others. The second involves detachment from others, a rigid way of interacting, and a lack of emotional connection. These approaches are non-receptive. Because the world involves non-receptive interactions, which means particularized justice is not realized, a second receptive mode of perceiving and interacting is necessary. The sympathetic approach is cautious in nature with all new relationships and with those who perceive and relate in an arrogant or sterile way, but it is always ready to move to the intimate, reciprocal mode of loving perception and actions when trust and reciprocity emerge. Lowe's relationally-based moral philosophy brings justice and care together as one: justice ought to be grounded in care, and care ought to lead to justice at the abstract and particular levels. With supportive social conditions in place, it is through loving perception and interactions that justice can be realized most fully in the world; through loving relationships, people ideally become their best self and promote more just relationships, communities, and international associations.

### **Justice and Indigenous Philosophies**

Doing philosophy in North America means being mindful of the colonizing past and present and the confluences of intellectual influences (Pratt 2002); minimally, this should involve considering what non-Western wisdom can contribute to conversations about justice

and being committed to using that wisdom to improve society. Indigenous nations and peoples embrace and embody different sets of attitudes, beliefs, and values; the resulting philosophical orientations and insights that emerge are distinct from those in the Western lineage (Whyte and Cuomo 2017). Pieper believes that justice concerns how *humans* treat one another; Kekes follows this line of thought when discussing ordered societies and how they meet *human needs*. Similarly, Plato and Cicero think of justice as aiding only *fellow human beings*. The consistent concern in ethics of care is how *human beings* care for one another; while Tronto's definition of care includes the environment as part of the sphere of human caring activities, care ethics tends to include the environment in a supplemental way. In fact, most writings on care ethics are delocalized; they may be focused on the United States or Western societies, but the absence of caring for a specific geographical place is obvious; place-based concerns are largely absent. With some exceptions (Engster 2006; Puig de la Bellacasa 2017), dominant emphases on nonhuman relatives is lacking, as is the spiritual dimension and how it can shape reflections on care. Nussbaum argues that justice needs to be more inclusive; it should be more attentive to people with mental and physical impairments, should focus on international relations and inequities between wealthy and poor nations, and should broaden its concern for nonhuman species (2007, 1-8). Indigenous wisdom can expand our understanding of justice.

Creation is important. From the Haudenosaunee in North America to the Maori in New Zealand, a common belief is that creation is not owned, but has been given to all beings for their use, so all beings can flourish; there is a sense of belonging to Earth and place (Mohawk 2010, 242; Whitt et al. 2001, 4-12). The Maori make this clear; instead of thinking about owning Earth and its resources, they speak of being owned by Earth: "One did not own land. One belonged to the land" (as quoted in Whitt et al. 2001, 7). The Haudenosaunee have a similar orientation:

The world does not belong to humans—it is the rightful property of the Great Creator. The gifts and benefits of the world, therefore, belong to

all equally. The things that humans need for survival—food, clothing, shelter, protection—are things to which all are entitled because they are gifts of the creator. Nothing belongs to humans, not even their labor or their skills, for ambition and ability are also the gifts of the Great Creator.... all people have a right to the things they need for survival, even those who do not or cannot work, and no person or people has a right to deprive others of the fruits of those gifts (Mohawk 2010, 242).

This orientation opposes a common view extending from John Locke and Karl Marx to today's capitalist-socialist debates, namely, the idea that we own ourselves and our labor; instead, everything is a gift from the creator, even our bodies and the labor we engage in.

As gifts, they are not our property but part of a larger network of relations, embedded in the same understanding that creation exists for the betterment of all beings, human and nonhuman alike. Indigenous philosophies resist uses of justice to buttress merit and ownership of property as one's desert; such deployments of justice may allow some to flourish at the expense of others. We have been given the gift of life within fragile networks of relationships that sustain life, communities, and well-being; we did nothing to deserve this, and part of being a good human being is to be grateful for the gifts we have and to remember that we belong to creation and place, not the other way around. Within our roles on Earth, we are urged to be mindful of how we live, so we can coexist in ways that allow all aspects of creation to flourish, while not taking part in exploitative, zero-sum interactions; Glen Sean Coulthard highlights this reciprocity:

Within this system of relations human beings are not the only constituent believed to embody spirit or agency. Ethically, this meant that humans held certain obligations to the land, animals, plants, and lakes in much the same way that we hold obligations to other people. And if these obligations were met, then the land, animals, plants, and lakes would reciprocate and meet their obligations to humans, thus ensuring the survival and well-being of all over time (2014, 61).

Along similar lines concerning “mutual relatedness” and “mutual responsibility”, Winona LaDuke makes an important observation:

what people normally call religion or spirituality is identified by her and the Anishinaabeg peoples as “a way of life”, which means attempting “to live a good life in the best way we can” (LaDuke and Smith 2006, 40-43). Unlike some common ideas about religion or spirituality that focus on the individual or institutional nature of worship, ritual, or honoring a transcendent creator, LaDuke asserts that spirituality grounds her political activities; it regenerates her and prepares her to engage in long-term struggles for change. This struggle comes at the intersection between the past, present, and future; her work is grounded in remembrance of the Creator who placed her people in a specific woodland territory, and it is mindful of her relatives who have helped her people to flourish for thousands of years, both two-legged and four-legged relatives. This remembrance is never separated from the Creator who has given her people the gifts needed for ceremony and physical sustenance, which is indicated in the name for the Creator, *Gichee Manitou* (from the Ojibway/Anishinabe language); this term means “a gift from the creator”, and these gifts are intended to support not only the body but the mind and spirit as well (LaDuke and Smith 2006, 44). This giftedness extends to non-human relatives, plant life, and water systems; by observing these various dimensions of creation, Anishinaabeg peoples learn how to be more human. Being more human is dependent on knowing our relationships with nonhuman beings and what they can teach us about life, reciprocity, and balanced living.

As part of the sturgeon clan, LaDuke reflects on the relatedness of life and learning from nonhuman relatives, such as the sturgeon:

They are amazing fish who teach you about your humbleness in the big picture of things. They can go so far, live so long, and have so many descendants. They teach us through their existence. Over time our whole clan system, our government system, is related to them. That way of life... is related to our whole ecosystem and to our land (LaDuke and Smith 2006, 46).

This mindfulness allows them to live according to the Creator’s law (what they also call the natural law). For LaDuke and other Indigenous peoples, ceremonies celebrating the natural law, all human and

non-human relatives, and creation are intimately connected to place and manifestations of the sacred (*hierophanies*) that emerge only in that place, bringing a medicine for the soul. Hierophanies make the world habitable, orient Indigenous peoples, and become an *axis mundi* (or center of the world); this location orients activities, ways of being, and ways of relating, but it is largely about habitation, which means it is better to speak of religion or spirituality from an Indigenous perspective as being about habitation (Arnold 2012, 17-19). To degrade the land, to decimate nonhuman populations, and to separate Indigenous peoples from their land and ecosystems is to threaten or to undermine their connection to the Creator and to threaten their identities and traditional ways of life; their identity, their personhood, and the relational web of life are inseparable from place.

Religion or spirituality as habitation (linked to *hierophanies* and *axis mundi*) is often absent in discourses about justice and care, but another overlooked topic is sustained peace; very little is said about nurturing and sustaining positive peace when discussing desert or the proper division of resources. Indigenous philosophies address this oversight. For example, peace is an important value for the Haudenosaunee; the significance of peace is grounded in the story of their origins (Arnold 2008). Over 1,000 years ago in what is now New York State, five Indigenous nations were locked in a cycle of violence; Mohawk, Oneida, Onondaga, Cayuga, and Seneca were spilling blood over minor offences. A person called the Peacemaker crossed what is now Lake Ontario, landing on its southern shore (Lyons 1991). This person slowly persuaded people to throw down and bury their weapons of war, but one person resisted; Thadodá·ho' was twisted in physical form, had snakes in his hair, and was a frightening person (Gonyea 2014, 9-10; Lyons 1991). In some versions of the story, he consumed human flesh. The Peacemaker and others united with words and songs of peace, and they gently transformed Thadodá·ho' into a peaceful person. Interestingly, his name is now the title for one of the highest positions within the Haudenosaunee Confederacy; it reminds people of the violent past and how peaceful means were used to cultivate a sustained peace, but this peace is more

than the cessation of violence (negative peace). It is a long-term positive peace that should be maintained throughout society and in all relationships by each generation for seven generations into the future (Lyons 2010, 42); this peace is focused on the flourishing of all beings, human and nonhuman alike, and it is concerned with protecting balance and harmony, so all creation can thrive. Furthermore, this is not an abstract peace, but one localized through a deep connection with place and the unique attributes of the beings living in that region. In other words, the cultivation and maintenance of peace does not exist in an abstract realm, but is grounded in relationships in a specific place with a unique history.

Vine Deloria, Jr. has been clear that one of the most important dimensions of Indigenous thinking is a relational outlook: "We are all relatives" (Deloria 1999, 33-34). Not only are humans related, but they are related to nonhuman beings. Furthermore, these relationships exist only because of the place that supports them. In other words, this is a shift in thinking that foregrounds the importance of place and the relationships that emerge and are nurtured by that place and the power of spirit manifested there: meaning, life, and identity are grounded in geographical places with their spiritual energies. But the uniqueness of every being should be honored, and this is clearest in Haudenosaunee stories about the origins of lacrosse and the game played by nonhuman animals. The land animals and the animals of the air had picked their teams. The land animals had the agile, quick deer and the strong bear; the animals of the air had the strong eagle and the vision of the owl (Calder and Fletcher 2011, 31). However, the bat was left over, and neither side wanted him. Eventually, the animals of the air accepted the bat, and in the end, the bat scored the winning goal for the animals of the air. The lesson is clear: "This particular story teaches us that everyone is important, everyone has a particular talent, and these talents can make a difference in the final outcome of events" (Calder and Fletcher 2011, 31). When we graft this insight onto the story about Thadodá·ho', we understand that even the most violent people can be transformed; people's gifts can enhance the community; societies

can transform themselves to be more inclusive and receptive to those with unique gifts. In this way, the relational dimension is grounded in the exchange of gifts: each person shares their own gifts and cares for others to nurture their unique gifts; this reciprocity creates mutually enriching relationships allowing all to flourish, both individuals and communities. Inclusion, diversity, and the sharing of gifts benefit all (Arnold 2012, 1-2).

Indigenous philosophies provide a unique lens for reimagining justice. First, reflections on justice must be grounded in place; each unique place with its unique ecosystems and nonhuman relatives cannot be thought of on an abstract, impartial level. Instead, justice needs attunement to one's local environs, all beings living in the region, and how each contributes in a unique way to the flourishing of life through balance and harmony. Second, justice is not only about human beings; from the Osage Nation to the Haudenosaunee, nonhuman beings (from rocks and rivers to birds and trees) are part of a larger familial network (Stokes et al. 1993; Tinker 2010). Humans are one line of descent in a much larger family tree, so justice concerns the cultivation and maintenance of balance and harmony in all relationships and between all beings. Third, based on Haudenosaunee insights, justice must be thought of in terms of peace; this is not a negative peace (the absence of violence) but a positive peace that seeks to cultivate and sustain thriving relationships and lives for seven generations to come (Lyons 2010). Justice through this lens creates an extensive obligation network that urges people to think about actions and relationships with a long-term emphasis that honors the many dimensions of creation; justice foregrounds the distant future, interdependence, and an inclusive relational ontology that embraces ecosystems, nonhuman relatives, and those human beings who live there. Finally, justice cannot cause harm; those struggling for justice should not be using violent, hate-filled, or derogatory means. To bring justice is to use words, songs, actions, attitudes, and values that are peaceful; peaceful means must be used for bringing about an enduring justice that nurtures beneficial relations with all beings. This must be done in a spirit of humility and gratitude

grounded in the realization that our personal existence is a gift from the Creator, our ancestors, and the cultivation of life in our mother's womb and on Mother Earth—not based on merit but on giftedness.

### **Justice as an Ethic of Preservative Care for Sustained Peace**

The long tradition of justice is grounded in desert; this is based on merit generated through one's character, actions, and the consequences of those actions, especially whether they benefit or harm society. Those who benefit society according to the established traditions, values, and other evaluative criteria deserve benefits; those who harm society according to the established traditions, values, and other evaluative criteria deserve harms, with little to no indication that harms must lead to the improvement of offenders. This is problematic because justice, in this sense, normalizes harming others without the idea of betterment. Justice is classified as a virtue, however, so if somebody is to be harmed, the harm must—in some way—improve that person. Human improvement is a central concern of justice, so justice as desert has to be tempered by how what people deserve benefits recipients and those around them. In other words, well-being, improvement, and human excellence ought to be considered for all humans affected; harms can only be justified to the extent that they cultivate human excellence for all people affected. Kekes, Pieper, and others like Polemarchus who envision the concept of justice in narrow terms are misguided. The first component of the broadening of the concept of justice and the development of the conception of justice as preservative care for sustained peace is this: Justice is concerned with human benefit and the cultivation of better human beings, so desert is not a sufficient criterion.

Some revision is needed: People, whether we classify them as “good” or “bad”, should get what they need to make themselves better. Returning to Thadodá·ho', it is clear that his brutality would lead many in the justice-as-desert camp to say that he deserved to be harmed, but the story shows something different: what Thadodá·ho' deserved (needed to become a better human being) was people approaching him in a peaceful way to help him overcome his own

wounded nature, so he could be in healthy, reciprocal relationships with others. This points to something that not many who support justice as desert are willing to accept: sometimes “good” people who live well with others deserve less attention and resources because they are already “good” people; in other words, often those people who are seen as “bad” deserve more of a society’s peaceful attention and resources to transform them for the better through consensus, unity, and peaceful perseverance. It took time, energy, and love from the five nations’ inhabitants to transform Thadodá’ho’, bringing him to a position of peace and love. Instead of turning away from those who have harmed others and injuring them as punishment (justice as retribution), the Haudenosaunee story reveals that sustained peaceful attempts are needed to transform, heal, and reintegrate those who have caused harm. While such sustained peaceful, caring interactions and support will look different in different contexts, the goal is to bring a lasting peace that honors people’s unique gifts and the well-being of the environment they live in; while there may be resistance, that resistance will be met by all in a courageous, compassionate way guided by an enduring commitment to sustained peace.

Behind this expanded view of justice is the relational dimension: “We are all relatives” (Deloria 1999, 33-34); this interconnectedness is present in ethic-of-care philosophies with the emphasis on a relational ontology sustaining life (Lowe 2007, 86). The traditional interpretation of justice conceals this relational ontology and undermines the interdependent nature of human beings with one another and with all creation. Justice should not concentrate on what individual people deserve in isolation; doing so will separate them from their relational context and conceal how the treatment of one impacts others. While we may be angry and hurt because of a person’s actions, to harm that person may bring about more serious injuries within the relational web, cultivating greater imbalance and disharmony. Nussbaum reminds readers of the dangers of pursuing justice through anger; she examines movements for peace and justice, and leaders such as Martin Luther King, Jr. have approached social change through *nonviolence and non-anger* (2016, 211-246). For example,

while in a Birmingham jail, King's anger transitioned from focusing on harms (and the possible desire for payback or status correction) to the idea that something must be done to improve society for all members, so everybody could live in peace: "a substantive and positive peace, in which all men will respect the dignity and worth of human personality" (2015, 410). Agreeing with Gandhi and King, Nussbaum claims "that anger is not only not necessary for the pursuit of justice, but also a large impediment to the generosity and empathy that help to construct a future of justice" (2016, 8). Non-anger, caring relations, nonviolence, justice, and peace go together.

It is important, however, to think about how justice extends to nonhuman relatives and all creation. Even if we accept the concept of justice as a human virtue, human beings are intimately connected with nonhuman relatives, and these extended relationships play an important part in allowing us to exist: to destroy nonhuman relatives brings harm to ecosystems, and the effects of that harm often impact other ecosystems. Justice needs to be conscious of this. As a human virtue, justice ought to bring betterment to all human beings in a way that reinforces the delicate web of relations that sustain us. Justice needs to expand and become more inclusive: this interpretation of the human virtue now embraces, at least minimally in a consequentialist way, the reality that humans cannot exist and flourish without nonhuman relatives, so justice must protect and cultivate the well-being and flourishing of our nonhuman relatives.

This emphasis on the relational dimension and the improvement of human beings so they become their best self has serious implications for ethical and political thought: It is no longer acceptable to remain at an abstract, universal, impartial level. Part of the process of cultivating justice must be to turn to the concrete, particular, partial level and actually engage flesh-and-blood human beings and our nonhuman relatives and their needs and gifts. Following Tronto, this means becoming more attentive to the needs of particular human beings and their communities, becoming more responsible for the well-being of others, and this means doing things in a competent way to help others become better and being receptive and responsive to

them through their feedback. It is unwise to believe that every being can be benefited in the same way; to help beings thrive and to move them beyond suffering, discontentment, or a sense of not belonging cannot be done on an abstract, universal, impartial level. Helping others is a process grounded in direct contact: being present, receptive, listening carefully, and actually caring about their well-being and betterment. Merging ethic-of-care and Indigenous philosophies on this point, the idea of gifts returns: an important aim of caring is to preserve the unique gifts in others to allow them to flourish and to help those gifts benefit society in a reciprocal way. This is the preservative care component of justice: to better others and society, justice urges us to care for others in a way that will mutually better the recipient and society through preserving the unique gifts each person has (Groves 2009).

This must be grounded in long-term thinking. In today's world of new markets and products, rapidly-changing technologies, and the unconstrained generation of new information, short-term interests and instant gratification dominate. A lack of long-range thinking exists; from failures to look decades into the future concerning the environment to economic imprudence in a debt society, globally many nations and their citizens fail to grasp the big picture as geographical interdependence and future generations are overlooked. Indigenous philosophies help to undermine this myopia; temporal re-orientation is given clear articulation through the words of Oren Lyons: "In our way of life, in our government, with every decision we make, we always keep in mind the seventh generation to come" (quoted in Lyons 2010, 42). This provides a long-range focus; understanding a generation as 20 to 30 years in length, the Haudenosaunee are urging people to think 140 to 210 years into the future for every significant decision. This is not simply a temporal declaration, however, for those making the decisions must consider the interconnected nature of their decisions to make sure that the effects do not move outward to impact others in a negative way. Each decision cannot be contained in the place the decision was made. From an Indigenous philosophical outlook, long-term thinking is necessarily complemented

by a deep appreciation for lateral geographical and ecological effects that respects interconnections and responsibilities arising because of those connections. Caring justice is not a short-term, transactional, one-time event but a long-term commitment to others that demonstrates that others are worthy of our time and trust (Groves 2009).

An example of this long-term, reciprocal thinking can be found in Robin Wall Kimmerer's *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants* (2013). Kimmerer, a biologist of Anishinaabe ancestry, unites science with Indigenous wisdom in a way that helps readers to understand the close, mutually-beneficial relationships humans can have with nonhumans, especially plant life. While explaining traditional ecological wisdom, known as the Honorable Harvest, which cultivates respect for the gifts of creation and an attitude of self-restraint instead of greed and overconsumption, Kimmerer writes,

Collectively, the Indigenous canon of principles and practices that govern the exchange of life for life is known as the Honorable Harvest. They are rules of sorts that govern our taking, shape our relationships with the natural world, and rein in our tendency to consume—that the world might be as rich for the seventh generation as it is for our own. The details are highly specific to different cultures and ecosystems, but the fundamental principles are nearly universal among peoples who live close to the land (180).

The principles help to preserve the various species on the land and their relationships with other species, and through the maintenance of this balanced preservation, future generations will be able to thrive. As previous generations preserved creation for today's generations, today's generations have an obligation to protect creation for future persons, human and nonhuman. Kimmerer lists some of the principles that guide daily actions and how people are to nourish themselves through agriculture, gathering, and hunting: "Take only what you need", "Never take more than half. Leave some for others", "Harvest in a way that minimizes harm", "Use it respectfully. Never waste what you have taken", "Share", "Give thanks for what you have been given", and "Sustain the ones who sustain you and the earth will last

forever” (183). When thinking about the seventh generation, then, this wisdom orients people to cultivate a specific attitude toward life and all creation, an attitude valuing respect, reciprocity, gratitude, balance, harmony, self-restraint, and the fragile interdependent web of creation that extends from the past through the present to the future. To be guided by seventh-generation considerations is to embody this attitude and to leave the world in a thriving condition, which will allow others in the future to thrive because of our self-restraint and reverence for all of our relationships.

All of this generates an apparent paradox, however: ethical particularity leading to greater ethical universalism. Care ethics and Indigenous philosophies focus on the specific, whether particular people to whom we offer preferential support or specific geographical places and their surrounding ecosystems. However, each locus of concern, care, and direct support is connected to another person, another place, or another link in the chain of successive generations. A caring-just approach becomes a way of sustaining peace through long-range decisions that are grounded in the realization that all places and beings are interconnected with other beings and other locales (no matter how tenuously), so the peace that is being advocated is one in which the spatio-temporal dimensions of preserving the gifts of all human and nonhuman beings takes on new significance: Not only should justice be sustained across generations, but also in ever-expanding circles to other regions and ecosystems. Justice needs to move beyond individuals and their communities and nations to become more inclusive by focusing on the relational networks sustaining every living being. In other words, justice must become more inclusive, must be more attentive to all human and nonhuman beings, their interdependence, and how present decisions and actions may drastically benefit or harm future beings. Unlike Kohlberg’s abstract universalism, this approach is one of expanding ripples of care leading from caring-for obligations (“encounters characterized by direct attention and response”) to caring-about postures toward the world and future generations (which includes “concern but does not guarantee a response to one who needs care”) (Noddings 2013, xiv).

Because of limits placed on us by time, space, and other resources, we can only offer so much direct caring for others (Noddings 2013, xiv); however, this does not mean that we cannot care about, and dedicate some of our attention to, the welfare of others around the world or in future generations. In our caring for some human and nonhuman animals or place-based ecosystems, we can do so with a caring, compassionate eye for those outside our direct sphere of influence. A caring attitude and a commitment to justice as preservative care for sustained peace can guide all we do and all of our interactions.

### Recapitulation

Two texts in the Western philosophical tradition, Plato's *Republic* and John Rawls's *A Theory of Justice*, bracket approximately 2,400 years of philosophy. During that time, justice has maintained a level of significance and gained intellectual texture: in writings from Plato and Aristotle to Augustine and Thomas Aquinas to Thomas Hobbes and David Hume, justice has resurfaced. While early feminist theorists distrusted justice, whether they rejected it because of its paternalistic associations or wanted to downgrade its significance, considerations of justice have been unavoidable. As care ethics developed, scholars such as Engster and Tronto have emphasized the need to weave care and justice together; Lowe has endorsed a shift that harkens back to Plato and Cicero: justice, benevolence, and care are not separate. To have justice, whether at an abstract or particular level, is to have care; in other words, justice does not exist without care.

Whereas justice as desert tends to be abstract and focus on individuals, ethic-of-care philosophies have helped to reorient justice in a better direction. Some limitations affect care ethicists' outlooks on justice; nonhuman beings tend to be absent, there is little to no focus on religious or spiritual foundations for justice, and Indigenous inclusion is largely absent. For philosophers writing in territories with a legacy of past and present acts of colonization, this is problematic. This essay offers a correction: its aim is to act as a philosophical intervention (Bartky 1990, 4-5). The important dimensions of Indigenous thought in this essay are the giftedness of creation and

belonging to Earth, the fact that we truly own nothing, honoring each being's unique gifts, and the significance of long-term peace grounded in a relational worldview that seeks to preserve and nurture balance and harmony.

In the end, the traditional concept of justice as desert is clearly problematic; minimally, it is too narrow and needs to be broadened, but what is worse is that in some contexts this understanding actually supports injustice. This traditional concept did not come down to the present without challenges; Plato and Cicero made it clear that beneficence, human improvement, and unique individual needs had to be part of the consideration. Being mindful of this inclusion of beneficence broadens the concept of justice to include care for those who are taking part in the relational cultivation of justice, and this opens the space for the obvious inclusion of care ethics for considerations of justice. Justice and care unite.

Indigenous philosophies help to flesh out what care can look like. They offer a long-term approach for decision-making and how actions will affect others; this does not focus solely on human beings but expands to consider how our actions will harm or benefit nonhuman relatives, from rocks and trees to birds, bears, and Earth. This concern is guided by the assumption that each being has special gifts (unique attributes and skills or ways of being) that are crucial to thriving; consideration of these gifts is important, and this transforms an ethic of care into an ethic of preservative care: the focus is on how to preserve and sustain all the conditions that will allow the unique gifts of all beings to grow and flourish. Grounded in the Indigenous relational outlook, the cultivation and preservation of these unique gifts reciprocally enhance the larger community; as the larger community thrives, this in turn preserves and nurtures the unique gifts of those who make up the community. This includes a long-range concern that focuses on seven generations to come and a religious or spiritual recognition of place that urges us to mindfully inhabit the land on which we live.

Justice is no longer simply about the here and now, but it is grounded in a long temporal chain; today's beings exist because of the

preservative care of beings in the past, and future beings will exist because of long-range thinking today. In this way, justice as desert and egalitarian distributive justice face a third alternative; justice as preservative care for sustained peace provides a new way to think about what justice can mean.

### Coda

An initial possible concern may emerge relating to cultural appropriation. This focuses on how information, wisdom, and ideas from an oppressed group or culture are used, whether they are used peacefully or in a violent, unjust way (Ruehl 2019). Minimally, instead of contributing to direct behavioral violence, cultural violence, and structural violence (Galtung 1990), the incorporation of Indigenous information, wisdom, and ideas should contribute to sustained direct behavioral peace, cultural peace, and structural peace. Scholars should approach such inclusions as an ally to Indigenous nations and peoples and attempt to generate dialogues across cultures to make the world a better place for all sentient beings, their ecosystems, and Mother Earth. To avoid cultural appropriation and further harms, scholarly work should embody—to the best of its ability—the idea of justice as preservative care for sustained peace. As I concluded elsewhere:

It is important to structure research and publications in a way that includes an ethic of preservative care, making sure that all research, publications, and teaching are not grounded in exclusionary, non-reciprocal practices, but also grounded in inclusive practices intent on nurturing the unique gifts of others for the mutual well-being of all those we encounter and for the betterment of future generations (Ruehl 2019).

A secondary concern may emerge relating to the peaceful approach supported throughout this essay, which has guided my response to the concern about cultural appropriation: violence in the world will not end with completely nonviolent means and aims; those who are violent and unjust will use violent and unjust means to maintain power, wealth, and privilege. However, one simply has to look to the great

leaders who have cultivated courageous nonviolent, non-angry, and caring responses to injustice and violence. The Haudenosaunee, Gandhi, King, and Mandela offer counterexamples that show how nonviolent, non-angry, or caring responses are quite powerful, unifying, effective, and supportive of long-term positive peace. We need more of these examples—and many more supporters—to make sustained peace a reality.

The above issues are important, but the limits of space do not allow for a full philosophical exposition; however, this much can be said: engagement with and use of another culture's ideas can be done with preservative care with long-term peace in mind, and if this is not done, scholars should respectfully hold each other accountable for violations. The struggle to change the world for the better through peace, nonviolence, non-anger, and care take courage; this just may be one reason why so few are able to be as brave as those who have embodied these character traits as they have struggled against domination and oppression around the world. We need more of this courage in our personal lives, but we also need it in our academic, professional, and civic lives. May we encourage one another to be better and to work for justice as preservative care for sustained peace in all we do.

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