American philosopher Nicholas Wolterstorff has developed a theory of justice over against two rival ideas. First, he proposes that justice is not primarily a matter of obeying an order of obligations and duties, but of honouring inherent rights, understood as one’s legitimate claims to being treated in a way as befits one’s worth. Secondly, he argues justice is not to be contrasted with love, but is rather an example of love. The common English word ‘care’ unites justice and love: promoting someone’s well-being while at the same time respecting her worth. Wolterstorff himself raises the question if his theory of justice and love reflects the so-called ‘ethics of care’. This question also issues the challenge what certain Reformed philosophers mean when they draw upon the concept of care and the ethics of care theory. In this critical study, Wolterstorff’s thought on care is presented along with the ethics of care and the Reformed philosophers. His question is judged to be misguided, and the challenge points to the need for more clarity in Reformed philosophy.

1. Introduction

American philosopher Nicholas Wolterstorff’s latest work on a theistic theory of justice warrants a critical study in this journal in its own right. To not just present the overall tenets of his thought but also to have a focus for this article, we will look at the main line of thought in his companion volumes Justice: Rights and Wrongs (2008) and Justice in Love (2011) from the vantage point of the theme of ‘care’, compared to two other ways of theorising about care in matters of morality, the so-called ethics of care, and Reformed Philosophy.

In Justice in Love Wolterstorff poses a challenge to himself and to other Reformed philosophers who draw on the notion of ‘care’ in their discussions of matters of morality. To be sure, he presents this challenge somewhat indirectly by stipulating his own use of the notion of ‘care’ in his theory of love and justice, and by wondering whether the inspiration of the so-called ‘ethics of care’ theory is to be taken lightly. This is how he puts it:

Some readers will wonder whether, in arguing that love as care is the understanding of love that agapism requires, I am reflecting the influence of the currently popular ethics of care. It might have gone that way; but it did not. My suggestion that the concept of love that we need for our purposes is love as care rather than love as benevolence did not emerge from reading around in the current literature on the ethics of care; it emerged from engaging the agapist tradition and its founding documents and discovering that modern day agapism is incapable of giving a satisfactory account of how justice fits into an agapist
framework. [...] the version of agapism that I propose does not give centrality to empathy; in that way it differs from several versions of the ethics of care currently on offer. I will leave it to others to draw additional contrasts and comparisons. (2011, 103-104)

What does he mean by this? What is at stake? The challenge for Reformed philosophers inspired by the ethics of care, apparently, is to be clear on their understanding of care and the ethical theory of care. In this article, having learned from Wolterstorff, from the ethics of care, and from Reformed philosophy, I propose to do some groundwork for engaging his challenge. First, I take the opportunity in this critical study to explore in some length the main thought in Wolterstorff’s two companion volumes. Second, I explore the main thoughts of the theory called ‘the ethics of care’, to see if there is ground for the question Wolterstorff poses to himself. Third, in the light of both I explore the line of thought of what Reformed philosophers say on the matter to see what clarity is to be gained by contrasting their use of ‘care’ to the ethics of care and Wolterstorff’s theory of justice and care. In conclusion I pull together observations on the use of ‘care’ as a matter of morality.

2. Wolterstorff on Justice and Rights

Perhaps, for starters, Wolterstorff’s project is best understood not as a theory of justice per se, but as a theory of injustice: why do certain actions, persons or social structures count as unjust? For his project originates in instances of flagrant injustice caused by good intentions, of wrongs caused by benevolence. How can this be? Especially from a Christian point of view it is puzzling how what’s just does not necessarily seem to go hand in hand with what’s good. How can an ethic of love lead not only to unintended oppression or slighting of the other, but to a blind eye? Could it be that not circumstances but conceptions of justice prevent us “from acknowledging that the other comes before us bearing a claim on us” (Wolterstorff 2008, ix)? So, then, what is justice?

Wolterstorff defends that justice (as a social condition) is ultimately grounded in inherent rights. What does he mean? Rights are normative social relationships in the form of a person’s legitimate claim to being treated a certain way on account of the worth she has (ibid., 4-5). Justice, in a nutshell, is present in a society if its members enjoy the goods that they have a right to according to what respect for their worth requires. Some of those rights are conferred by social arrangement on those who otherwise would not have them, other rights are not so conferred and can be called natural rights (ibid., 10-11). Some natural rights, in turn, may be divinely conferred and others not conferred at all—one just has them. It is the latter that Wolterstorff’s calls inherent (natural) rights (ibid., 37-38).

Already in his earlier Until Justice and Peace Embrace (1983) Wolterstorff proposed that speaking up for justice for the wronged of the world requires speaking up for their rights. It is precisely this ‘rights-talk’ that seems at odds with that conception of the good which allows the good to trump the just. If rights are not somehow fundamental to our moral language, he states, the