

**She Said, "Hey! Put Your Self in My Shoes":  
Moral Theory and the Gilligan-Kohlberg Controversy**

by  
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A Thesis  
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for the Degree of

MASTER OF ARTS

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**BY**

**PATRICK JAMES HORAN**

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## **Abstract**

This thesis is an examination of a debate in contemporary moral theory that centres on the issue of whether moral thinking and practise ought to be based on formal principles of justice or upon caring and responsibility. On one hand is the view that justice is the ethically optimal endpoint of moral development, while on the other is the argument that justice is biased towards male moral experience, a bias evident both in moral psychology and justice-based moral philosophy.

Three main questions arising from this debate are considered: 1) are feminist criticisms of justice-based moral theory justified? 2) can a psychological account of the care perspective in moral thinking be developed into a coherent philosophical perspective? and, 3) does care, as a moral perspective, address feminist criticisms of justice?

Feminist criticisms of justice-based moral theory are considered with respect to the writings of Rousseau, Kant, Mill, Engels, Rawls and Habermas. Feminist philosophers considered are Virginia Held, Seyla Benhabib, Laurie Shrage, Kathryn Pyne Addelson and Michelle Moody-Adams.

Parallels are drawn between the work of feminist moral theorists and feminist psychologists of moral development, in an attempt to develop a foundation for an ethic of care.

Care and justice, as moral perspectives, are both found insufficient based on their reductivist approach to moral practise and judgment. A non-relativist moral pluralism is forwarded as a resolution of the care-justice debate.

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September 10, 1998

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## **Introduction**

The ideas presented in this thesis began to take shape while I was studying moral theory as an undergraduate student. At that time, I found the work of John Rawls, in A Theory of Justice (Rawls 1971), to be lacking in some significant respects. While Rawls certainly provides an impressive argument for the principles of justice in a social contract context, I felt that his theory did not address a good deal of what I consider to be important moral issues: specifically those issues that are germane to the everyday interaction of individuals, one with another, in non-contract relations. As I was to discover, the reason that A Theory of Justice did not address my moral concerns was that Rawls does not consider the personal realm, in which my unaddressed moral concerns typically lie, to be properly moral in nature: that is, the personal is not properly addressed by justice. The realisation that A Theory of Justice did not address the full spectrum of moral concerns led me to consider the work of other justice theorists. I found that it is not just Rawls who considers *personal* concerns to be non-moral; social contract theorists like Immanuel Kant and Jürgen Habermas, also reject the personal realm as properly moral in nature (Kant 1991; Habermas 1993a&b).



It was not until I read Harvard psychologist Carol Gilligan that I found a theory which attempted to account for the missing concerns of social contract theories. Gilligan argues that justice-based moral theories do in fact ignore a great deal of what moral agents consider to be important moral issues. In contra-distinction to the *justice* perspective in moral theory, Gilligan develops an account of a *care* perspective, which, in essence, is an attempt to give moral recognition to concerns arising in non-contract relationships. Individuals in Gilligan's account are not assumed to be equal, autonomous or strictly rational in their moral decision-making processes (Gilligan 1993). In my view, Gilligan's intention is not to replace wholesale the justice perspective in moral theory. It is rather to enlarge the moral domain to include the interpersonal concerns of care, relationship and responsibility.

An important part of Gilligan's study is the contention that justice is predominantly a male perspective, while care is predominantly a female perspective. Men and women are capable of using both care and justice perspectives in resolving moral dilemmas, but, while women use both care and justice in resolving different dilemmas, men tend almost exclusively to use justice in resolving moral dilemmas

(Gilligan 1987, 25). This gender difference in moral perspective leads to the feminist contention that justice, as a moral perspective, may represent male moral concerns, and furthermore, that female moral concerns have been under-represented in traditional moral philosophy (as it has been traditionally practised by men).

I begin, in Chapter One, with an examination of what I call the *gendered division of moral virtue* in Jean-Jacques Rousseau's political philosophy, and how this division excludes women from civil society. Following Rousseau, I turn to John Stuart Mill's liberal attempt to include women in civil society. I argue that Mill's argument in the Subjection of Women privileges the position of middle-class women and implicitly supports Rousseau's gendered division of (moral) labour. Chapter One concludes with the consideration that justice-based moral theory exploits women in their traditional caregiving roles.

Chapter One's examination of the gendered division of moral virtue demonstrates that the concerns of women, specifically in respect to their traditional caregiving roles, are not accounted for by justice-based moral theory. This examination serves as an introduction to the care-justice debate that has been active since 1982, when Gilligan

first published In A Different Voice. The debate arises from Gilligan's challenge to the work of Lawrence Kohlberg, another psychologist of moral development. Kohlberg's research in moral development led him to conclude that justice is the primary moral virtue and that it represents the highest attainable stage of moral development (Kohlberg 1983). In order to understand the debate fully, and to help demonstrate the limits of the justice tradition from the feminist perspective endorsed by Gilligan, Chapter Two concentrates on justice-based moral theory as presented in the work of Immanuel Kant and John Rawls. I end Chapter Two by raising Virginia Held's feminist objections to justice-based moral theory.

In Chapter Three, I attempt to develop *care* as a moral perspective. In doing so, I examine both feminist moral philosophy and feminist moral psychology with an eye to drawing out the parallels between the two disciplines. While Gilligan's research has been a starting point for much feminist philosophy (with respect to justice and moral theory), there has been insufficient integration of moral psychology into feminist moral philosophy. My examination of the links between feminist philosophy and psychology is intended to help flesh out the *care* perspective in moral

theory, and to give some empirical foundation to the claims of feminist philosophers who see the justice tradition in moral theory as biased against women.

In Chapter Four I discuss the possibility that, as moral perspectives, neither care nor justice is sufficient for addressing all of our moral concerns. I argue instead for a pluralist conception of moral theory, a conception that appeals not solely to justice or care (or any other reductionist theory, such as utility<sup>1</sup>), but to a broader conception of moral theory that recognises many different moral theories and values. In closing, I defend my pluralist conception of moral theory against meta-ethical relativism.

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<sup>1</sup>This thesis is intended as an examination of the care-justice debate in moral theory. Consequently I focus almost exclusively on care and justice while leaving out other, albeit important, moral perspectives and theories such as utilitarianism or virtue ethics.

## **Chapter One**

### **Moral Theory in the Context of a Gendered Conception of Virtues**

In Chapter One, I intend to examine the gendered division of moral virtue in Jean-Jacques Rousseau's political philosophy and how this division works to exclude women from civil society (achieved, for Rousseau, through social contract). I argue that, while Rousseau explicitly claims that there are morally significant *natural* differences between men and women, these differences are not adequately supported by his account of the (pre-social) state of nature. After discussing Rousseau's account of women's place in society, I turn to John Stuart Mill's attempt to include women within civil society by granting them economic, political and domestic equality. I argue that although Mill's economic and political arguments are fairly straight forward, his argument for women's domestic equality is fraught with difficulties, specifically insofar as it privileges middle class women while implicitly supporting Rousseau's traditional gendered division of labour. Following from Mill's feminist arguments, I conclude the chapter by considering the view, expressed by Friedrich Engels and Annette Baier, that women are exploited in their caregiving capacities (as wives and mothers), by justice-based moral

theories (including the arguments put forward by Mill, which though not entirely justice-based, have a firm foundation of justice considerations).

My intention in Chapter One is to provide a background to the Gilligan-Kohlberg care-justice debate in moral psychology and philosophy. In this debate, justice and care are, as moral orientations, opposed to one another in a gendered fashion. While justice and care have been traditionally associated in philosophy with the male and female genders respectively, it is argued by Gilligan, that moral psychology (and philosophy) has been biased towards the male moral orientation (justice), while ignoring the female moral orientation (care). It is this gendered depiction of justice and care that I am attempting to draw out in this chapter, to show how care, as a moral orientation, has been morally under-valued.

The association of gendered virtues with men (justice) and women (caring) is fairly constant throughout the history of social contract theory from Rousseau to Kant. Women have long been considered to be emotional, dependent, caring and passive, while men have been considered to be rational, autonomous and active. It is not only social contract theorists who have subscribed to the importance or primacy of

male virtues in their political and/or moral philosophy, but, as I demonstrate below, also traditional liberal feminists such as John Stuart Mill.

The possession of different moral virtues by men and women can be seen either as essential to the nature of men and women, or as a result of the socialization of men and women along gendered lines. If gender roles are philosophically and culturally determined (as I argue), and if men (or at least male philosophers) have assigned themselves the public roles of civil society, then it would seem that the gendered division of moral virtue is arbitrary. This is especially evident when we consider the fundamental equality of men and women in the state of nature in the writings of Rousseau.<sup>2</sup> It is not until humans move from the state of nature into civil society, claims Rousseau, that women become primarily caregivers, while men become rational and autonomous civilians (Rousseau 1967, 216).

### **Jean-Jacques Rousseau and the Exclusion of Women from Civil Society**

The position Rousseau assigns to women (that of wife, mother and caregiver) in his ideal civil society is *prima*

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<sup>2</sup>Genevieve Lloyd and Susan Moller Okin both argue that it is not just Rousseau, but also Thomas Hobbes and John Locke, who view men and women as equal in the state of nature, but unequal in civil society (Lloyd 95, Okin 197-201).

*facie* based on the supposed fact that women are essentially different from men with respect to their moral character. In both Emile and the Discourse on the Origin and Foundation of Inequality Among Mankind Rousseau repeatedly refers to women's natural roles as wives and mothers, yet his account of the state of nature in the Discourse seems to argue against there being any morally significant natural differences between men and women. Indeed he explicitly argues against there being inequality in the state of nature, stating instead that inequality only arises (and is only legitimated within) civil society:

...inequality, almost non-existence among men in the state of nature, derives its force and its growth from the development of our faculties and the progress of the human mind, and at last becomes permanent and lawful by the establishment of property and laws (Rousseau 1967, 246).

While this quotation refers to all humans (or at least to all men) in the state of nature, Rousseau is also explicit in denying that there are natural character differences between men and women. Rousseau holds that only when people began to live together in families did differences emerge in the way men and women lived; differences that had hitherto not been present. As nothing in the state of nature, on Rousseau's account of it, indicates a predisposition toward one form of



behaviour over another, it is not clear why women and men, once joined together in families, should develop along divergent paths. It is clear, however, with respect to the Discourse, that women become inferior to men *only* at that point in human social evolution in which men and women begin to live together in families:

Every family became a little society, so much the more firmly united, as mutual attachment and liberty were its only bonds; and it was now that the sexes, whose way of life had hitherto been the same, began to adopt different ways. The women became more sedentary and accustomed themselves to stay at home and look after the children, while the men rambled abroad in quest for subsistence of the whole family (Rousseau 1967, 216).

Even before the development of civil society, we see the social roles of men and women developing from the roles that Rousseau ascribes to them in the nuclear family: women in the home providing care, men in the (urban) jungle providing subsistence for the family. With each family becoming 'a little society,' and with inequality arising between men and women in this 'little society,' we can see that the basis for Rousseau's claim that women and men are unequal in civil society is founded not upon nature, but rather upon custom and social artifice.

While Rousseau may repeatedly refer to the 'natural'

roles of women and men, the real moral differentiation between the genders takes place in civil society and is accomplished by gender based education, wherein males are trained to be citizens and females are trained to be wives and mothers. This gender based education is central to Rousseau's conception of civil society. If men and women are, in the state of nature, non-moral, then their moral sentiments must be cultivated. As Keith Ansell-Pearson states, for Rousseau,

goodness is innocence, simply consisting in not harming others, and exists in an isolated, asocial state where there is an absence of wickedness. Virtue on the other hand, is dependent upon education for its cultivation, denoting mastery over the passions, and can only exist in a social state (Ansell-Pearson 75).

It is Rousseau's task in Emile to document the proper education of men (for civil society) and women (for motherhood). For Rousseau, the virtues to be cultivated in men are the moral virtues required for parties to the social contract, while the virtues to be cultivated in women are non-moral and centred on the needs of the family.

Though they are not really *moral* agents (insofar as they are not parties to the social contract), women are still central to Rousseau's conception of civil society, as they

are best suited to providing the early education of children. In the following quotation we can see the tension in Rousseau's work between his assertion that there are no morally significant *natural* differences between men and women and his assertion that women's role as caregivers is determined by natural gender differences. "The earliest education [of children]" asserts Rousseau, "is the most important and it is undoubtedly woman's work. If the author of nature had meant to assign it to men he would have given them milk to feed the child" (Rousseau 1993, 5 fn). For Rousseau's civil society to work, woman's *natural* status as caretaker of children requires that she be educated differently from men. She must be able to care for children and must be inculcated with the qualities and temperament conducive to such caring. Her education will not include all of those skills and virtues which befit a man for civil society.

Rousseau has thus created a system of moral education that differentiates between men and women in terms of what they are to be taught and what is to be expected of them in adult life. Each gender has a specific set of virtues that are suited to attaining those goals and projects determined for them by their gender. Rousseau asks (rhetorically), "is

it not the good son, the good husband, the good father, who makes the good citizen?" (Rousseau 1993, 390). While good men make good citizens, good women are destined for domestic servitude: "When the [ancient] Greek women married, they disappeared from public life; within the four walls of their home they devoted themselves to the care of their household and family. This is the mode of life prescribed for women alike by reason and nature" (Rousseau 1993, 395). It is interesting to note that women, through the exercise of their non-moral caregiving virtues, enable men to become the moral citizens of Rousseau's ideal civil society: it is necessary that women be excluded from civil society so that men may enter into it. The very possibility of female moral agency, on Rousseau's social contract terms, is ruled out by the way in which women are to be educated.

Linda Zerilli argues that the supposedly natural moral differentiation between men and women is inherently unstable in Rousseau's philosophy:

What Rousseau teaches and fears is that natural man and woman are pedagogical constructions and highly unstable ones at that. There is a profound sense in his writings that gender boundaries must be carefully fabricated and maintained because they have no solid foundation in nature, because what announces 'man' or 'woman' is not anatomical difference but instead an arbitrary system of signs that stands in permanent danger of collapsing

(Zerilli 18).

The instability of Rousseau's gender differentiation threatens the very core of his social and political philosophy. If there are no naturally occurring morally significant differences between men and women, then Rousseau's justification for excluding women from active participation in civil society collapses. The only way for Rousseau to maintain his exclusion of women from civil society would be for him to assert that women do not (perhaps cannot) transcend the state of nature; that is, women, even in the context of civil society, do not make the transformative leap from nature to society that men make. It is certainly the case that for men, entrance into civil society transforms their natural selves into social and moral selves. Ansell-Pearson argues that,

for Rousseau a human being's entrance into the social state entails a profound transformation in their nature. The most important thing he gains by undergoing this transformation...is the acquisition of moral liberty, which alone makes a person master of him- or herself (Ansell-Pearson 82).

I think Ansell-Pearson is being over-generous to Rousseau in arguing that the acquisition of moral agency through social contract is gender-neutral, for it is abundantly clear that,

as far as Rousseau is concerned, women do not (indeed, ought not to) acquire moral agency. The difference then, between men and women in Rousseau's philosophy may be that, while men are transformed into moral beings through participation in the social contract, women remain always in the state of nature.<sup>3</sup>

As moral concerns and virtues arise only in civil society, women are excluded, not just from civil society, but from moral theory generally. Genevieve Lloyd states that man's relation to woman has been construed by Rousseau and others as familial rather than political, and furthermore, that intra-family concerns are left out of political and moral philosophy:

families are not appropriate objects of study for political philosophy. What is appropriate to political philosophy is the relationship of the family, as a structure, to the state. Or put another way, the relationship between a man as head of a household and the state (Lloyd 96-97).

Political existence in social contract theory is defined

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<sup>3</sup>The question remains of course, why, if women are still in the state of nature, do they need to be educated to be wives, mothers and caregivers? As J.S. Mill argues, "the anxiety of mankind to interfere on behalf of nature, for fear lest nature should not succeed in effecting its purpose, is an altogether unnecessary solicitude. ...If women have a greater natural inclination for some things than for others, there is no need of laws or social inculcation to make the majority of them do the former in preference to the latter" (Mill 499).

in relation to moral agency; one is not a proper citizen unless one is a moral agent (i.e., rational and autonomous). As moral agents, each head of the household acts politically, in the social sphere of other moral agents, all of whom are (male) heads of households. Within the household itself, relations are between non-equals: the man, a rational and autonomous citizen; and, the wife and children, who are excluded from civil society. As moral agency in contract theory is dependent upon rationality and autonomy, and as moral relationships are possible only between equals, the relationships within the family do not take place between moral agents and are thus outside the scope of moral and political philosophy. As Lloyd rightly points out: within a contract situation, "women lack a political existence and the benefits of such an existence" (Lloyd 96).

### **John Stuart Mill's Attempt to Include Women in Civil Society**

In the Subjection of Women, John Stuart Mill challenges the philosophical and social exclusion of women from the community of moral agents. In arguing for the inclusion of women in civil society Mill explicitly denies that there is any natural basis for morally differentiating between the genders. In direct opposition to Rousseau's views on the 'nature' of women, Mill argues that nothing can be proved by

saying "that the *nature* of the two sexes adapts them to their present functions and position, and renders these appropriate to them." He continues:

Standing on the ground of common sense and the constitution of the human mind, I deny that any one knows, or can know, the nature of the two sexes, as long as they have only been seen in their present relation to one another. If men had ever been found in society without women, or women without men, or if there had been a society of men and women in which the women were not under the control of the men, something might have been positively known about the mental and moral differences which may be inherent in the nature of each. What is now called the nature of women is an eminently artificial thing—the result of forced repression in some directions, unnatural stimulation in others (Mill 493).

Mill thus denies all gendered moral arguments based on natural character differences, arguing instead that differences in character are a result of social artifice and, that these differences ought not to influence our determination of how men and women are to live

The positive basis for Mill's arguments against women's subjugation is simply that women are in fact rational beings fully capable of moral agency and entitled to all the benefits that accrue to men through participation in civil society. There are, on my reading of Mill, three main issues (broadly characterised as economic, political and domestic)



that must be addressed before women can be said to be the social and philosophical equals of men: 1) they must be entitled to take any job for which they are suited (as individuals, not women), 2) they must be given political suffrage, and 3) the marriage contract must be reformed to ensure that there is an equal balance between the rights of husbands and the rights of wives.

Mill's arguments for the first two points are fairly straight forward and uncomplicated. Working with the twin assumptions, that physical differences (in size and strength) between men and women are in large measure no longer relevant to the performance of modern occupations, and, that any individual woman is as capable of undertaking the responsibilities of a given job as any individual man, Mill argues that women ought to be able to work at any profession they may choose. The case for allowing women into the labour market is based simply upon the principle of equal rights for men and women. Mill's argument for women's political suffrage is however based both on utility ("any limitation of the field of selection deprives society of some chances of being served by the competent, without ever saving it from the incompetent" (Mill 490)), and the principle of equal rights ("to have a voice in choosing those by whom one is to be

governed, is a means of self-protection due to every one" (Mill 527)). In either case, the feminist arguments Mill advances for economic and political equality are relatively free from controversy if one grants that women are indeed rational beings.

However, Mill's argument(s) for domestic equality, while more interesting, are fraught with difficulties. In chapter two of Subjection, he argues that the institution of marriage should be reformed. The institution of marriage, at the time Subjection was written, was held by Mill to be tantamount to slavery: a wife was legally bound to obey her husband; she was not allowed to own or inherit property; there was no right of separation available to the wife; and, in the event that a marriage should dissolve, she had no right to custody of children (Mill 513-14). Mill argues that equality for women will be achieved when society generally, and the marriage contract in particular, are reformed to afford women the same rights as men (both within and without marriage). Equality within marriage is contingent upon political suffrage and the entitlement of women to work for their own income: in short, upon their ability to enter into civil society with men. However, while Mill believes that women ought to be able to work outside the home, he does not believe that they

typically *should* work outside the household. It is this contention that I believe causes two main difficulties for Mill's argument. First, his argument implicitly encourages the traditional gendered division of labour (moral and physical) endorsed by Rousseau, and second, it privileges the position of middle-class women who can afford not to work outside the home.

Though Mill believes that equality and marriage are compatible, he states that, if a woman does choose to marry, then the marriage should be chosen as a career to the practical exclusion of other career options:

Like a man when he chooses a profession, so, when a woman marries, it may in general be understood that she makes choice of the management of a household, and the bringing up of a family, as the first call upon her exertions, during as many years of her life as may be required for the purpose; and that she renounces, not all other objects and occupations, but all which are not consistent with the requirements of this. The actual exercise, in a habitual or systematic manner, of outdoor occupations, or such as cannot be carried on at home, would by this principle be practically interdicted to the greater number of married women (Mill 523).

Let us grant to Mill, for the sake of argument, that the task of a wife, at least as he construes it, is indeed a career in itself. It may still be objected that marriage, so reformed,

will not allow for equality between the individual men and women who enter into it. A gendered division of labour within marriage (where the husband earns a wage or salary outside the home and the wife takes care of the household) creates an unequal economic power relation between husband and wife. Economic inequality within marriage becomes practical inequality in the relations between husband and wife. Mill himself says, "the real practical decision of affairs...will greatly depend upon comparative qualifications... There will naturally also be a more potential voice on the side, whichever it is, that brings the means of support" (Mill 514). But, if the wife's career is 'domestic management,' and she does little work outside the home, then it is clear that, in most cases, it will be the husband who 'brings the means of support' to the household, and who will therefor have a greater say in domestic affairs.

There is then a tension in Mill's argument for domestic equality in that he holds two apparently conflicting ideals: first that women ought to be recognised as fundamentally equal to men (Mill 471); and second, that, typically, woman's role within the family, despite her equality, ought to be that of wife and mother (Mill 522-523). It would seem, then, that Mill both disagrees and agrees with Rousseau regarding

the status of women. Contrary to Rousseau, Mill believes that women can and ought to be rational and autonomous citizens, and yet, in agreement with Rousseau, he also believes that women ought, typically, to be wives and mothers. There is then a contradiction between the virtues that Mill believes ought to be taught to women and the virtues that they require, in their roles as wives and mothers. As wives and mothers, women are too busy to be engaged in public life. A woman's civic education will prove to be useless if she is given no option to pursue activities outside the home.

If Mill's case for domestic equality works at all, it works only for the middle classes. For working class women ('lower class' in Mill's terminology), who do not have the financial resources to remain in the home, Mill's advocacy of a life of (middle-class) domesticity does not work. Indeed, Mill's hypothetical imperative for women (if you want to ensure the proper running of your household, you ought not to work outside the home), places working class women in a peculiar moral bind—that they have a right to work but an obligation to stay in the home. The working class woman's economic and political equality in no way ensures her domestic equality.

While Mill does refer to the special case of lower class

women, it is in the context of those basest of men who legally abuse their women:

And how many thousands are there among the lowest classes in every country, who...indulge the utmost habitual excesses of bodily violence towards the unhappy wife, who alone, at least among grown persons, can neither repel nor escape from their brutality; and towards whom the excess of dependence inspires their mean and savage natures...with a notion that the law has delivered her to them as their thing, to be used at their pleasure, and that they are not expected to practise the consideration towards her which is required from them towards everybody else (Mill 508).

This special case of the working woman's economic and domestic situation is not resolved in the Subjection. We can well imagine that even with economic and political equality, working women will still be subject to the domestic inequality referred to in the above quotation from Mill.

Emile Zola, in his 1885 novel Germinal (about a mine workers' strike), gives an excellent depiction of the sort of abuse Mill refers to above. Zola is however more explicit about the economic realities of working class families than Mill. In the following passage Zola depicts a dispute between two young mine workers, Catherine and Chaval, young lovers who, though not yet married, live together as if they were:

Seeing Catherine in her trousers and vest, with her hair tucked into her blue cap, Chaval flew into a rage. When he got up he had roughly ordered her to stay in bed, but she had followed him all the same because this stoppage of work filled her with dismay. As he never gave her any money and she had to keep both of them, what would become of her if she earned nothing? She was haunted by fear of the brothel at Marchiennes, which was where pit-girls ended up when they found themselves without food and lodging.

'What the bloody hell are you doing here?' he asked.

She nervously pointed out that not having a private income she wanted to work.

'Then you set yourself up against me, you bitch? Go home at once or I'll send you there with kicks up the behind!' (Zola 286)

This is exactly the type of abuse that Mill sees as a problem for working class women, yet his arguments in the Subjection in no way alleviate this hardship. Catherine may have the entitlement to work and earn her own income, yet she is still subject to an economic reality that keeps her under the oppressive hand (or, in this case, foot) of her lover, Chaval.

### **Exploitation of Caregivers: Friedrich Engels and Annette Baier**

Friedrich Engels, while denying the normative validity of the gendered division of virtue, recognises its operation in the bourgeois societies that give rise to justice-based contract views of morality. In his 1884 work The Origin of

the Family, Private Property and the State, Engels discusses both the origin and condition of the marriage contract (Engels 1986). Marriage is, for Engels, the primary instance of class exploitation-of women by men:

In an old unpublished manuscript by Marx and myself in 1846 [The German Ideology], I find the words: 'The first division of labour is that between man and woman for the propagation of children.' And today I can add: The first class opposition that appears in history coincides with the development of the antagonism between man and woman in monogamous marriage, and the first class oppression coincides with that of the female sex by the male (Engels 96).

*Propagation* is not just the production of children, but also the care of those children so that they may develop into productive adults who will inherit the wealth and legacy of their male parent. It is within the context of monogamous marriage that caring for children (by women) takes place. Marriage as an institution that exploits women (caregivers), arises from the concentration of economic power in the hands of men: "Monogamy arose from the concentration of considerable wealth in the hands of a single individual-a man-and from the need to bequeath this wealth to the children of that man and no other" (Engels 106). The result is that women (care-givers) exist as exploited vassals of male bourgeois society:



The legal inequality of the two parties [to the marriage contract] bequeathed to us from earlier social conditions is not the cause but the effect of the economic oppression of the woman... With the patriarchal family [as opposed to the "old communist household"] and still more with the single monogamous family, a change [in the role of women within the household] came. Household management lost its public character. It no longer concerned society. It became a *private service*; the wife became the head servant, excluded from all participation in social production (Engels 103-104).

For Engels, the problem is not explicitly one of the morally devalued nature of caring labour, but rather the exploitive nature of that labour-labour carried out almost exclusively by women. From Engels's Marxist perspective we can see that care (as the traditional work of women) is indeed undervalued as socially productive labour.

Annette Baier sees the caring work traditionally done by women as socially vital work with a definite *moral* quality. In "The Need for More than Justice," she argues that the principles of justice arising from contract theory are unsatisfactory in that they leave *caring* as an optional moral extra, and in so doing, they allow for the exploitation of caregivers (Baier 18-32). Social contract theory, while it may allow or even encourage individuals to be caring, will insist as a moral minimum that individuals act justly towards

one another. Caring is left as an extra, an option for moral agents to choose if they so wish, though no moral agent is under any specific obligation to actually provide care. Baier argues that this situation exploits those individuals who do choose (or are forced) to care for others. Her argument may be construed as follows:

Women's traditional work of caring for the less powerful is socially vital.

Children, as the future generation of moral agents, must be cared for and educated.

Those who do care and educate will be assuming socially vital responsibilities that those who do not care and educate will not be assuming.

Those who take on the extra moral options will be exploited by those who do not take on the extra moral options (Baier 25).

Baier is claiming that justice theories exploit caregivers by assuming that the socially vital work of caregiving will be done by some group of moral agents, while placing no obligation on any particular moral agent to provide such care. The moral community as a whole will benefit from the work of some agents (those who provide care), while other agents (those who do not provide care) will benefit though they have not done any work. The force of her argument lies in the fact that social contract morality treats relationships between equals, or those who are deemed to be

equal, as the primary moral concern. Those relationships between individuals who are unequal, as in the case of parent-child relations, are not seen as morally significant and are consequently placed at the bottom of the moral agenda.

Coinciding with Baier's aim of recognising caring as moral action, comes the view that caregivers are moral agents. As we have seen, social contract philosophers and those philosophers who wish to see women included equally in civil society, have all regarded moral agency as being dependent upon autonomy and rationality. Neither Rousseau nor Kant view women as moral agents since they view women as lacking autonomy, while Mill wants to see women become moral agents by enabling them to exercise their autonomy. Baier, on the other hand, is trying to establish that moral agency is not solely dependent upon autonomy or rationality: that caregivers are moral agents in their own right and that care is a legitimate moral perspective.

### **Conclusion**

Despite the fact that the philosophers mentioned so far (with the exception of Baier and Engels) tend to devalue caring in favour of rationality and autonomy, most, if not all philosophers, will recognise the importance of caring for

and educating children, if only (as is the case with Rousseau) to ensure the proper development of the next generation of male citizens. Once the moral significance of caring is recognised, our view of what an adequate conception of morality will look like must necessarily broaden beyond the social contract's fairly narrow principles of justice. The point of moral theory seems misdirected if no one (in theory) actually cares for anyone else, and all are expected to act from their sense of duty alone (as in the case of Immanuel Kant's Categorical Imperative). Arthur Schopenhauer, another nineteenth century German philosopher, was certainly not in favour of treating women and men as equal moral agents,<sup>4</sup> yet he was horrified by the lack of emotion and care in social contract theory. He recognised that caring and emotion were necessary to give a certain human moral quality to moral theory (McMillan 24).

One major problem with trying to give caring a moral

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<sup>4</sup>Schopenhauer is another example of a philosopher who subscribes to a gendered division of moral virtue. In *On Women* he states that "the weakness of their reasoning faculty also explains why it is that women show more sympathy for the unfortunate than men do, and so treat them with more kindness and interest; and why it is that, on the contrary, they are inferior to men in point of justice, and less honourable and conscientious" (Schopenhauer 437). He goes on to say that "the fundamental fault of the female character is that it has no sense of justice. This is mainly due to the fact, already mentioned, that women are defective in the powers of reasoning and deliberation; but it is also traceable to the position which Nature has assigned them as the weaker sex" (Schopenhauer 438).

value is that women may be trapped in caring roles with the argument that it is their moral duty to care (whether this duty to care arises as a natural feminine trait (Rousseau), or as the presumption that the traditional division of labour is, in most cases, the best (Mill)). If women are caring, and morally worthy (or not) dependent upon their caring, then they must care: they will be shirking their moral duty if they do not. The difficulty is that while women's worth has been dependent upon their abilities as, or their willingness to be, caregivers, the philosophically valued work has been reserved for men. It seems dangerous for women to claim that caring is morally worthwhile and at the same time a feminine virtue, for this claim may very well morally condemn them to occupying caring roles, and only caring roles.

However, it is the perception that there are *essentially* male and female virtues that gives rise to this problem. If psychologist Carol Gilligan is correct in maintaining that there are different modes of moral thinking, and that those modes are divided along gender lines (Gilligan 1993), then we have to ask whether women and men differ in their moral reasoning for social or biological reasons. If we hold, with Mill, that moral thinking is culturally determined, and that the differences between men and women in moral thinking are

based in culture, not biology, then it becomes apparent that the reasons for viewing care solely as a feminine virtue are based on arbitrary conceptions of what it means to be male or female.

The issue at hand is one of recognising care as a morally valid concern with its own set of requirements and its own foundation, as distinct from (and at least equal to) the requirements and foundations of justice. It is not reasonable to ask us to have two different moral theories and practices, one for women and one for men. That would lead either to a segregation of work that will leave some members of each gender unsatisfied, or to a system of exploitation as Engels and Baier outline.

## **Chapter Two**

### **Carol Gilligan and the Feminist Challenge to Theories of Justice**

In Chapter Two I shall introduce the psychological theories of moral development developed by Lawrence Kohlberg, and Carol Gilligan. After discussing some of Gilligan's objections to Kohlberg's theory (that it is founded on a mistaken conception of the self, and that its Kantian bias implicitly favours a male moral perspective), I turn to an extensive examination of the justice-based moral theories of Immanuel Kant and John Rawls, which form the philosophic basis for Kohlberg's theory. I conclude Chapter Two with a discussion of feminist philosophic objections to justice-based moral theory, that, I believe, lend support to Gilligan's criticisms of Kohlberg's theory of moral development.

#### **Stages of Moral Development: Kohlberg and Gilligan**

Carol Gilligan's book, In a Different Voice, describes what she believes to be a moral perspective, broadly based on care, that has traditionally been neglected by moral theorists who favour a moral perspective based on justice. Gilligan, involved in the psychological study of moral development, noticed that girls and women do not score as highly as boys and men in tests designed to measure the moral

development of the subject. The tests, designed by psychologist Lawrence Kohlberg, ostensibly measure the maturity of the subject's moral reasoning. Kohlberg discovered that, as the age of the subject increases, the moral reasoning used by the subject develops through three main stages: pre-conventional, conventional and post-conventional.<sup>5</sup> Each of the three main stages is further divided into two sub-stages, for a total of six stages of moral development (maturity). According to Kohlberg, children begin at the pre-conventional stage: following rules to avoid punishment (Stage One), and move on to satisfying their desires while at the same time satisfying the demands placed upon them by others (Stage Two). The adolescent moral agent will move on to the conventional stage, following the standard moral norms as a way of seeking approval from others (Stage Three), through to obeying moral rules for their own sake, i.e. obeying the rules simply because they are the moral rules (Stage Four). As an adult in the post-conventional stage of moral development, the moral agent will adopt a utilitarian ethic or a justice-based social contract

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<sup>5</sup>Kohlberg's three main stages of moral development correspond to Rawls's description of moral development in A Theory of Justice. For Rawls, moral agents move through three main stages in acquiring "the sense of justice." The three corresponding stages are: "The Morality of Authority," (pre-conventional); "The Morality of Association," (conventional), and; "The Morality of Principles," (post-conventional) (Rawls 453-479).



view of morality: doing as they please while respecting the rights of others to do as they please (Stage Five). The final stage, adopted by the morally mature adult, consists in guiding one's moral decisions by the dictates of Immanuel Kant's Categorical Imperative (Stage Six) (Kohlberg 1983; Tong 82).

The subject of Kohlberg's test is asked to deliberate on a series of moral dilemmas. The moral maturity of the subject is measured by the subject's responses to the moral dilemmas, and by the deliberation involved in coming to those responses. The more sophisticated the moral reasoning of the subject, with respect to the six developmental stages described by Kohlberg, the higher the subject's moral maturity is perceived to be. The most highly developed subjects, according to Kohlberg, will be those who use social contract or Kantian-type reasoning.<sup>6</sup> Subjects who do not predominantly use justice in their moral reasoning do not score as well (i.e. they are not as morally mature) as those subjects who do tend to rely on justice in their reasoning.

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<sup>6</sup>Not all people actually reach the post-conventional stages of moral development. Kohlberg states: "it is true that the idea of a rational reconstruction requires that we have hypothesize a sixth or highest stage, but we cannot say we have yet empirically evidenced it" (Kohlberg 1983, 16-17). Kohlberg later refers to the 'special cases' of those few people who may tentatively be described as having attained Stage 6, all of whom have had "formal philosophic training" (Kohlberg 1983, 60-62).

The studies done by both Gilligan and Kohlberg suggest that males are more likely than females to use Kantian justice-based moral reasoning, and that males are generally more likely to score highly on Kohlberg's test. Gilligan argues that females do not score as highly on the moral development tests because girls and women use a moral perspective founded on a different conception of the self (self in relation to others) than the conception (of autonomous self) used by boys and men. The conception of the self as autonomous is implicitly favoured by the Kantian bias in Kohlberg's tests (Gilligan 1993, 172). This different conception of self gives rise to a moral perspective (used by females in her studies), which is based on a conception of morality concerned with what Gilligan has labelled care.

The moral concerns of justice are quite different from the moral concerns that arise in the family and care contexts in which women have often found themselves. Justice theories try impartially to mediate the conflicts, potential and actual, between individuals who are assumed to be equal. However, the traditional experience of women in the home, characterised as concerned with relationships, caring and nurturing, does not reflect these justice concerns. The moral relationships that arise in these circumstances are quite

often between *unequal* individuals and they may also be of an *unchosen* nature (i.e. not autonomous or contractual). The relationship between a parent and a child (a caregiver and one who receives care) is a good example of an unequal moral relationship. This relationship can also be seen as being unchosen, at least for the child, if not for the parent as well (though of course no parents choose their *particular* child). The primary complaint that arises from Gilligan's work is that justice does not provide for a way to account for these very real moral relationships that are unchosen, that are based on caring or concern, or that exist between moral agents who are clearly unequal with respect to their capacity for moral deliberation and action, and in their respective power positions.

For Gilligan, the concerns that arise in maintaining relationships, and in providing care and nurturing, give rise to a moral perspective that is concerned not with trying to impartially mediate the conflicts between individuals who are assumed to be equal, but rather with trying to maintain connexions between individuals, equal or not. Gilligan "concludes that women's life experience, especially the centrality of relationships in their lives, leads them to reason differently from men about moral problems" (Holland

41). The difference in moral reasoning is sufficient enough for Gilligan to label a new non-justice-based moral perspective: the 'care perspective.' This perspective is typified by a concern for dealing with the needs of the self in relation to particular others, while recognising the needs of others in relation to one's self.

If we assume for the moment that women and men do in fact typically reason differently with respect to moral questions (that is, that there exist both male and female perspectives in moral decision making), then we must examine the foundations of Kohlberg's conception of justice to determine whether or not that conception of justice is an accurate reflection of the way in which moral judgments are actually made. If, upon examination, the foundation of Kohlberg's conception of morality is determined to be an accurate portrayal of our considered moral judgments, then the question of why girls and women do not score as well on Kohlberg's test will have to be re-examined along different lines.

#### **Justice-Based Moral Theory: Immanuel Kant and John Rawls**

In order to give a more detailed explanation of justice-based morality, upon which Kohlberg bases his theory of moral development, I will now examine the traditional liberal

conception of justice-based morality, as presented in the work of Immanuel Kant and contemporary Harvard philosopher John Rawls. To help demonstrate the limits of the justice tradition from a feminist perspective, I will discuss Kant and Rawls in some detail to show the abstract and dispassionate nature of the justice tradition.

For Kant, reason is the sole arbitrator of moral rules. Kant argues that the autonomous moral agent ought to be swayed only by moral rules to which the agent is capable of consenting rationally. Kant's Categorical Imperative states that an agent can legitimately give consent to a rule only if that agent can will that the rule become universal, applicable to all such agents: "The supreme principle of the doctrine of morals is, therefore: Act on a maxim that can also hold as a universal law. Any maxim that does not so qualify is contrary to morals" (Kant 51 / 226). Each moral agent is assumed to be capable of deciding rationally whether or not any given maxim is universalizable. Insofar as we are responsible for determining which maxims are universal moral laws, we are free and equal. The "principles of justice are based on what all can agree to as free and equal moral beings" (Baynes 13).

There is no question for Kant of a moral realm outside

the scope of justice. Justice and morality are co-extensive. Moral laws "hold as laws only in so far as they can be seen to have an *a priori* basis and to be necessary. Indeed, concepts and judgments about ourselves and our deeds and omissions signify nothing moral if what they contain can be learned merely from experience" (Kant 43 / 215). A moral law is valid only if it is based solely upon reason.

The same reasoning is used to justify our entering into civil society with one another. "Kant sees the idea of the social contract as analogous to the categorical imperative. It is a standard or test for legislation in the same way that the categorical imperative is a test for the maxims of individual action" (Baynes 42). George Grant describes it well:

the social contract represents the consent necessary in any regime proper to human beings whose essence is their autonomous freedom. Because the highest purpose of human life is to will autonomously, the best political regime must be such as could be willed rationally by all its members (Grant 27).

The consent of the parties to the social contract becomes the essence of the society in which the contract is made. Moral laws "command for everyone, without taking account of his inclinations, merely because and in so far as he is free and

has practical reason" (Kant 44 / 216).

Once we have entered into a social contract, we are then able to place some restraints upon the parties to the contract. Kant uses the Universal Principle of Right as a way of justifying some amount of restriction on individual moral agents. The Universal Principle of Right states that "any action is right if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law" (Kant 56 / 230). Essentially, coercion is compatible with freedom so long as it is coercion that is applied to everyone in similar circumstances. Kant uses payment of debt as an example:

when it is said that a creditor has a right to require his debtor to pay his debt, this does not mean that he can remind the debtor that his reason itself puts him under obligation to perform this; it means instead that coercion which constrains everyone to pay his debts can coexist with the freedom of everyone, including that of debtors, in accordance with a universal external law. Right and authorization to use coercion therefore mean one and the same thing (Kant 58 / 232).

Within the context of the social contract, each moral agent in a just society must abide by the Categorical Imperative and act upon those maxims that can be universalized. All

parties to the contract will be considered to be equal in that they are all equally free and theoretically able to abide by the Categorical Imperative. There is no assumption on the part of Kant, or his theory of justice, that moral agents will in fact act autonomously. There is, however, the assumption that the capacity to so act is shared equally by each agent (Baynes 14). The rights of each will only be constrained to the extent that such constraint will further ensure their freedom consistent with the Categorical Imperative.

In a fashion similar to Kant, John Rawls believes that we must be able to agree to the moral rules rationally, if those rules are to have any moral force upon us. Agreement on the principles of justice is, for Kant, based on the rational calculation of the autonomous individual: if a maxim is suited to universalization, then all rational individuals would necessarily agree to it. For Rawls, agreement on moral principles is based on numerous rational individuals accepting certain principles as just in a contract situation. Essentially, while Kant uses abstract reason to establish his principle of justice, and proceeds from there to a social contract theory, Rawls develops his principles of justice from within a social contract model. According to Rawls, "one



conception of justice is more reasonable than another, or justifiable with respect to it, if rational persons in the initial situation would choose its principles" (Rawls 17). The decision to choose certain principles of justice is still a rational one; the difference is the context in which the choice is made: individual rationality or the agreement of contract.

The ideal of a social contract, in which all individuals consent to the moral principles of society, runs into some practical difficulty, as "no society can, of course, be a scheme of cooperation which men enter voluntarily in a literal sense" (Rawls 13). It is not possible for each person to consent to the rules of justice that govern a society prior to becoming an actual party to the social contract. To address the fact that the moral rules governing society are not *actually* given rational consent by the individuals in society, Rawls sets up an original position in which the parties to the social contract are abstracted from their social context (Rawls 17-22). The parties in this contract engage in a hypothetical debate about how to structure society so that all may be guaranteed that the interests of each party will be met as best as possible given their conflicting interests. Parties in the original position "are

described as mutually disinterested calculators whose sole interest is to secure the greatest amount of primary goods possible for themselves" (Baynes 52).

In order to ensure that the debate is not coloured by self-interested bias, Rawls introduces the veil of ignorance (Rawls 136-142). Under the veil of ignorance, all persons are said to lack specific, particular knowledge of themselves, their social classes, aptitudes, inclinations, or even their own conceptions of the good: "If a knowledge of particulars is allowed, then the outcome is biased by arbitrary contingencies" (Rawls 141). Together, the parties to the social contract must work out a system to regulate social institutions, which will ensure some benefit to each. All individual parties to the contract will try to ensure that, no matter what their actual position turns out to be (i.e. what their particulars are), society will be structured such that they are guaranteed some adequate measure of goods. However, if no one in the Original Position knows the particulars about themselves, and if the contingencies of each person's life are to be ignored, then all persons in the Original Position are fundamentally equal. If all are equal, and none have a conception of who they are as individual persons, then it can be argued that Rawls has not actually

given us a situation in which the principles of justice are decided upon by many individuals. Indeed, what we have is a system, not unlike Kant's, in which an abstracted rational individual decides what the principles of justice are to be.

There remains a crucial difference between the justice theories of Kant and Rawls. The abstracted individual in Rawls's conception will have to be understood as reasoning with the knowledge that there will be other actual individuals in society. This individual must consider that all of the individuals in a given society will be competing for their share of the primary goods ("rights and liberties, powers and opportunities, income and wealth" (Rawls 62)) and, as each individual is considered to be autonomous and equal, the interests of each must be taken into account. This rational individual, despite having no knowledge of his position in society, will be deciding the principles of justice in the context of self-interest, rather than deciding, via the Categorical Imperative, in the context of what is right.

Rawls claims that there are two principles that would arise from the rational choices made in the Original Position. The two principles are designed to govern the institutions of society under which all aspects of social

interaction between autonomous individuals will take place. The final, refined, statement of each principle of justice in A Theory of Justice is given as follows:

*First Principle*

Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

*Second Principle*

Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged..., and (b) attached to offices and positions open to all under conditions of fair equality of opportunity (Rawls 302).

The two principles of justice are to govern not the actions of the individuals *per se*, but are rather to determine the basic structure of the society in which the individuals shall live. As Rawls says of his theory, "the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement" (Rawls 11). The first principle is intended to regulate "those aspects of the social system that define and secure the equal liberties of citizenship," while the second principle is intended to regulate those aspects of the social system "that specify and establish social and economic inequalities" (Rawls 61). The primary moral concern in A Theory of Justice, then, is the governing of social institutions and the manner in which

primary goods are acquired by individuals in the social context.

The scope of social interaction governed by Rawls's two principles of justice is then actually quite limited. Rawls's conception of justice, as evidenced by his two principles, is only to be applied to the rights and liberties of individuals and the economic and social benefits that accrue to those individuals. It says nothing about how people are to interact with each other beyond the moral minimum implied by his first principle.<sup>7</sup> Indeed, the limited scope of Rawls's conception of moral theory, as concerned with the regulation of rights and contracts, is displayed by the way in which he frames all moral concerns not governed by the two principles of justice in a contractual scheme. He notes that the principles of justice,

may be irrelevant for the various informal conventions and customs of everyday life; they may not elucidate the justice, or perhaps better, the

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<sup>7</sup>Rawls admits that his theory of justice is limited and that it does not address "many aspects of morality" (Rawls 512). However, Rawls maintains that contract theory can be extended to include all human relations (I argue against this claim later in the chapter, as well as in Chapters Three and Four). He states that "justice as fairness is not a complete contract theory. For it is clear that the contractarian idea can be extended to the choice of more or less an entire ethical system, that is, to a system including principles for all the virtues and not only for justice" (Rawls 17). In his view, contract based morality is limited only by its inapplicability to "animals and the rest of nature" (Rawls 17, see also 512).

fairness of voluntary cooperative arrangements or procedures for making contractual agreements (Rawls 8).

No mention has been made by Rawls of the moral concerns accompanying unchosen relationships, or of relations between individuals who are unequal. It seems as if Rawls can only picture relationships as contracts, or 'voluntary cooperative arrangements' between individual agents. Of course, for Rawls, as for Kant, moral concerns only arise in relations between free and equal individuals. Thus, the scope of morality, even as it extends beyond the principles of justice, has been limited to problems of contract and the voluntary agreements entered into by equal and autonomous individuals.

Ultimately, the justification of Rawls' Original Position, and the two principles of justice that arise from it, depends "upon whether it adequately represents our 'considered moral judgments,' as these are established in a process of 'reflective equilibrium'" (Baynes 52). The basic idea is that we ought to accept Rawls' conception of justice if it reflects ideals embedded in our public culture that all citizens would affirm upon due reflection (Baynes 58). If the principles of justice, as determined in Rawls's Original

Position, are to be put to the test of 'all citizens,' then it is reasonable to assume that Rawls's conception of justice ought to reflect ideals that would be affirmed by both men and women. Consequently, we must ask whether or not the women of Gilligan's studies would approve of the principles of justice upon due reflection. If it is true that "men and women may speak different [moral] languages that they assume are the same, using similar words to encode disparate experiences of self and social relationships" (Gilligan 1993, 173), and if it is true that the moral language used by women is different because it is based upon a substantially different set of moral perspectives and concepts, then it would certainly seem plausible that the justification of Rawls's two principles of justice might be suspect.

This is precisely the conclusion reached by Gilligan: that the principles of justice are indeed insufficient, as they do not reflect or account for the way in which many women reason with respect to moral dilemmas. Women, Gilligan claims, tend to view moral problems as arising within the scope of relations between moral agents. What is important is not that the rights and liberties of the autonomous individual are guaranteed, so much as that individuals in moral relationships are able to maintain the connexions that

form those relations. As Kittay and Meyers explain in discussing the implications of Gilligan's research:

A morality of rights and abstract reason begins with a moral agent who is separate from others, and who independently elects moral principles to obey. In contrast, a morality of responsibility and care begins with a self who is enmeshed in a network of relations to others, and whose moral deliberation aims to maintain these relations (Kittay/Meyers 10).

### **Feminist Objections to Justice-Based Moral Theory**

Many feminist philosophers have taken the work of Carol Gilligan as a reference point from which to criticise the 'morality of rights and abstract reason.'<sup>8</sup> They claim that the justice tradition, as exemplified by the work of Immanuel Kant and John Rawls, is not an accurate portrayal of what moral agents consider to be morally significant. They argue that viewing justice and morality as more-or-less coextensive, as justice theorists tend to do, is to argue for a moral theory that leaves out an entire moral realm dealing with relations between moral agents and, in so doing, excludes and degrades the experience of women.

As we have seen from our examination of Rawls and Kant, the justice perspective focuses on the autonomous individual,

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<sup>8</sup>(Addelson 1987; Baier 1995a; Baier 1995b; Benhabib 1987; Friedman 1987; Jones 1988; Held 1987; Held 1995; Narayan 1995; Tronto 1995)



emphasising the importance of freedom and equality for individuals. Justice-based morality treats the problems posed by associations and conflicts between equals, or between those who are *presumed* to be equal, as the primary moral concerns. Relationships between those who are clearly unequal are deemed to be morally non-significant. A consequence of this focus on the rights and liberties of the abstract autonomous individual is that justice ignores the interpersonal context in which moral problems often arise and in which moral decisions are so often made.

Indeed, for Kant and Rawls, it is the very fact that interpersonal relations are *personal* in nature that excludes them from the scope of justice discourse. The personal is excluded from the moral domain as falling under the category of concerns that are governed by autonomous selves, and therefor not subject to external moral sanctions or regulation. Seyla Benhabib argues in a similar vein when she points out that the concept of autonomy in Rawls's social contract tradition is based,

upon an implicit politics which defines the 'personal,'...as ahistorical, immutable and unchanging, thereby removing it from discussion and reflexion. Needs, interests, as well as emotions and affects, are then considered properties of individuals which moral philosophy recoils from examining on the grounds that it may interfere with

the autonomy of the sovereign self (Benhabib 171).

It is the inability of justice to deal with the interpersonal context of moral decisions, and the limited scope to which justice can be applied, given its foundations, that invites criticism from those who see some legitimacy to Gilligan's claim that women often view moral decisions from a perspective that includes the very concerns that arise from interpersonal relationships.

Virginia Held, accepting that the experience and moral perspective of women is different from the experience and moral perspective of men, asserts that our moral theory should be able to account for the experience of women. She has criticized the justice perspective as a moral view that has been imposed upon our experience to suit the needs and desires of 'economic man.' Rather than forcing our experience to conform to an abstract moral code, Held argues that our moral perspective should be determined by our experience and our understanding of community (Held 113). Held believes that it is imperative that moral theory incorporates and reflects the experience of women.

Held further argues that justice morality, based on the ideal of the rationally self-interested economic man in a

social contract model, damages the connexions between people, making those connexions instrumental, extrinsic and conflictual. Her point is that the abstract principles of justice tend to disassociate the individual from others in society, forcing the moral agent to reason from outside, and contrary to, networks of relationship. By divorcing moral reasoning from the context and perspective of the individual within networks of relationship, justice places moral thought in a context that is at odds with the way in which women see themselves and the issues that concern them.

Of course, for Kant and Rawls, moral thought *should* take place in a context divorced from particularity. As the particularities of individual experience are not significant to the moral project, contingencies in the life and situation of the moral agent, if they are recognised at all, ought to be ignored. However, Held is arguing that individual experience and context are morally significant. Furthermore, she believes that the justice requirement that we ignore context and experience is an artificial requirement imposed upon moral reasoning to exclude certain types of concerns from moral discussion, while ensuring that the autonomy of the individual is protected. By focusing on the isolated rational and economic man, justice, in ignoring the socially

created nature of the human self, hurts the individual by the very means it employs to protect individual autonomy. Cut off from the moral concerns of relationships, the individual becomes isolated and unable to benefit from, or to be secure within, relationships. If moral theory does not protect relationships, but actually serves to undermine them, then individuals will suffer in the long term from a lack of personal enrichment available only in relation to other moral agents.

Another major complaint levelled against the justice perspective is that it is unable, despite its claim to respect the autonomy of the individual, to deal effectively with difference (the claim that not all moral agents are equal), in a moral context. While it is a primary concern of justice that individuals be treated equally, with respect to their autonomous selves, justice lacks a method of recognising the moral relevance of difference in moral relationships. The inability of justice to deal with difference stems from Kant's insistence that all moral agents are equal as a result of their autonomy. For Seyla Benhabib, Rawls's theory of justice runs into similar difficulties insofar as:

the Kantian presuppositions also guiding the

Rawlsian theory are so weighty that the equivalence of all selves qua rational agents dominates and stifles any serious acknowledgment of difference, alterity and of the standpoint of the "concrete other" (Benhabib 167).

Justice is so concerned with protecting moral agents from the threats posed by 'generalized others' that it fails to adequately recognise or protect the benefits that accrue from relations with 'concrete others.' It is these relations between 'concrete others' that care as a moral perspective is intended to address.

## **Chapter Three**

### **Moral Psychology and an Ethic of Care**

In this chapter I intend to examine parallels between the thinking of feminist moral philosophers, particularly Virginia Held, and the work of various psychologists of moral development (Gilligan & Attanucci, Gilligan & Wiggins, Lyons). After briefly discussing Held's work in Feminist Moral Theory: Transforming Culture, Society and Politics (Held 1993), I shall give an account of some contemporary feminist psychologists' theories of moral development that describe the ways in which people use care in their moral thinking. In looking at psychological theories of moral thinking and development, I shall rely primarily upon the collection of papers in Mapping the Moral Domain: A Contribution of Women's Thinking to Psychological Theory and Education (Gilligan et al, 1988).

While many feminist philosophers, including Held, have often cited psychologist Carol Gilligan's work as a starting point in their inquiries into what might constitute a feminist moral theory, there seems to have been insufficient integration of moral psychology, Gilligan's or otherwise, into feminist moral philosophy. I intend to show that, although Held and the psychologists approach moral theory

from different academic perspectives, their findings are similar in some significant respects, and moreover, that their individual avenues of study may help to support one another.

After separately giving an overview of Held's moral philosophy and the work of feminist moral psychologists, I will examine three main areas where the observations and theories of feminist psychologists parallel the concerns of feminist moral philosophers: i) the importance of sentiment in moral thinking; ii) the view of the self in relation to moral thinking, and; iii) the maintenance of relationships as a crucial concern for moral decision making. These three areas are by no means the only areas of similarity between feminist philosophical and psychological thought, but I believe that they are three important and interconnected areas that must be studied in order to develop a care ethic.

### **Virginia Held**

Like John Rawls, Held believes that moral judgements should be made in a state of 'reflective equilibrium,'<sup>9</sup> whereby coherence should be sought between our moral judgements and our moral principles (Held 1993, 28). Where

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<sup>9</sup> Rawls discusses 'reflective equilibrium' in A Theory of Justice, pp. 48-51.

coherence is lacking in a particular case, either the judgement or the principles will have to be altered. Moral principles will likely be revised through time and the experience of past judgements. This progressive change in principles will affect future moral judgements. While this view is similar to Rawls's conception of 'reflective equilibrium,' there is a critical difference in that "the judgements between which equilibrium is to be sought will in [Held's] view deliberately include rather than exclude particular judgements based on feelings and arrived at in actual circumstances in which we are not necessarily impartial" (Held 1993, 28).

The philosophical exclusion of these 'particular judgements based on feelings,' from justice-based moral philosophy, is premised on what Held considers to be three main problems in moral theory as it has been traditionally practised. The first problem involves the split between reason and emotion, with the subsequent devaluation of emotion and the elevation of reason. Second, Held views the distinction between public and private realms of activity to be questionable, especially as the private is often seen as belonging to the realm of 'nature,' while the public is considered to be 'man-made.' The third problem is that the



conception of *self*, used by moral philosophers, has been constructed from a male point of view (Held 1993, 49). Each of these distinctions has worked to exclude the female, the private and the emotional from moral thought. The task Held sets herself in Feminist Morality is the inclusion of the emotional and the private in moral theory. She also hopes to transform the traditional conception of the autonomous self into a conception that is based on relation, specifically the relation between mother and child.

In terms of constructive argument, Held tries to build her moral theory around the paradigm of the *mothering person*, as opposed to the autonomous individual. *Mothering* is an activity of care and a response to the dependency of one person upon another. It is not, however, an activity that is limited to mothers exclusively: for Held, men can be 'mothers' too, at least in the sense that they are capable of providing care and being responsive in a nurturing relationship. Consequently, Held promotes the term *mothering person* as a gender-neutral term meant to apply to both men and women.

She uses the case of mother-child relationships as her starting point for developing an ethic of care. The concept of *mothering* is used to set up a counter-paradigm to the

rational economic man of social contract theory. Held herself points out that the use of the mothering paradigm is necessarily restrictive, in that *mothering* cannot be applied to all relationships. The relations between siblings, and between lovers or friends, may contain some of the same elements as mothering relationships, but they are not mothering relations *per se*. However, Held argues that the use of the mothering paradigm should not prove to be any more restrictive than the use of any other paradigm (such as 'autonomous contractor') as all paradigms will necessarily exclude some viewpoint or other. The problem with the social contract tradition is that it selectively focuses on autonomous contractors, disregarding the experiences and concerns of mothering persons, and women generally. Held states that:

to see contractual relations between self-interested or mutually disinterested individuals as constituting a paradigm of human relations is to take a certain historically specific conception of 'economic man' as representative of humanity (Held 1993, 194).

Indeed, the associations between equal and autonomous economic men have less general applicability to other relations than those which Held seeks to highlight in her work: caring does apply to a variety of moral relationships

while contract does not. Of course, *mothering* has its restrictions too, and Held does not intend to fall into the same exclusionary trap by claiming that *mothering* should be thought of as paradigmatic of all human relations. Instead, her intention is to show that the use of an alternate paradigm in moral thinking will lead, through a shift in moral thinking, to the development of values and theories different from those associated with the paradigm of autonomous individuals (Held 1993, 195-196). Her point is that the theories and values that emerge from a shift in paradigms will be at least as important as those that arise from the autonomous contractor's perspective.<sup>10</sup>

While it may be useful for Held to shift paradigms in thinking about moral relationships, the very notion of a *paradigm for moral relationships* is, to me, non-sensical. Just as the idea of *autonomous contractors* has limited applicability, so too, do *parent-child*, *friend-friend* and *worker-coworker*. The moral agent is located at the centre of

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<sup>10</sup>The *mothering* counter-paradigm is almost diametrically opposed to *rational economic man* in that *mothering* is an instance of a relationship with an extreme power differential. Indeed it is hard to imagine a case in which there is as great a degree of inequality between two parties as in the relationship between mother and child. This power differential may be a possible worry for Held (in that it reinforces the notion that *mothering* cannot be applied to all moral relationships), but it is in any case illuminating that Held has chosen *mothering*, with its substantial power differential, as her paradigmatic case of a moral relationship insofar as it is opposed to the assumed equality of parties in contract relations.

a web or network of relationships, each of which exists in its own social context. The importance and centrality of these relationships are not stable through time, as the contingencies of each agent's life will alter the relationships themselves, as well as the ways in which the various relationships are connected to, and affect, one another. It does not make sense to postulate any *specific* relation as a paradigm for moral relations in *general*. Each relationship is different, affecting the agent in different ways. No one case, such as that provided in the mothering relationship between parent and child, can be applied to the rest. There are so many other relationships for each moral agent that choosing one particular case as paradigmatic, while it may be instrumental as an example, limits the potential for other cases of relationship to contribute to our moral understanding. The relationship between siblings, for instance, is a relationship that has as much to do with moral development as the next. Moral decisions then will have to be made in the context of the particular relationships involved. There can be no one moral paradigm applicable to all cases. In my view, a moral theory that is contextually sensitive to relations in general will not only be more effective, but is also truer to the aims of feminist philosophers than one that forwards any particular case of

relationship as paradigmatic.

Having said that, however, it will still be instructive to see what Held hopes to gain from her use of the mothering paradigm. For Held, *mothering* is not based upon the concerns of self-interested individuals, nor is it based upon relations of independence and equality. It is, instead, based upon the caring that takes place in nurturing relationships, relationships that are based on dependence, trust, love and responsiveness to need. This basis for mothering relationships will give rise to a different set of moral concerns and different ways of resolving moral dilemmas than the self-interest that informs moral reasoning in social contract theories:

The moral experience in which the principles of morality should be tried out, and revised in the light of, must include not only those regions traditionally of law and state and public policy - but also such neglected regions as those of friendship and of the family, of bringing up children and caring for the vulnerable. Then, it seems, to decide what morality counsels will require a much richer experience than that available to the abstract agent of so much traditional moral theory (Held 1993, 38).

The 'richer experience' required for moral thinking will be found by admitting the general experience of women into the moral domain. What was, under contract theory, ruled out of

moral thinking as belonging to the private realm, or as being non-rational (i.e. emotional), will have to be included in a more comprehensive moral theory. Such a theory, by incorporating a wider range of human moral experience, will be applicable to a wider range of moral dilemmas.

### **Moral Psychologists**

In trying to find a justification for including the emotional and the private within contract moral theory, it may be advisable to turn to the work of feminist moral psychologists. It is important to note that the psychologists we will be studying are working from the basis of empirical evidence. In identifying salient features of moral thinking, they are identifying characteristics that they have observed in the study of actual subjects. Conclusions are drawn from tendencies and patterns in moral thinking that appear across their study samples. Ostensibly, then, the work of moral psychologists is descriptive rather than prescriptive.

However, psychologists of moral development do more than just measure the moral development of subjects. Indeed, Lawrence Kohlberg claims that he has not only outlined the various stages of human moral development, but further, that he has "successfully defined the ethically optimal end point of moral development" (Kohlberg 1981, 104). For Kohlberg, the

descriptive has become prescriptive. In challenging Kohlberg's theory of stages and his view that justice-based moral theory defines the highest stage of moral development, psychologists such as Gilligan are also moving from descriptive psychology to prescriptive philosophy.

Kohlberg is aware that he runs the risk of falling victim to the naturalistic fallacy in building his moral standpoint on his psychological observations, but he is not too worried by the fallacy. For Kohlberg "the *ought* statements of philosophers of knowledge and morality, and the *is* statements of psychologists of knowledge and morality, should be based on mutual awareness" (Kohlberg 1981, 105). In keeping with this view, I suggest that a comprehensive moral theory will not be acceptable unless it is able to describe and incorporate the ways in which we make moral decisions. While *is* does not imply *ought*, it is my belief that a good moral theory will account for both considered moral judgments and the ways in which we make those judgments. What *ought* to be, though it cannot be derived directly from what *is*, must be based upon what is *possible*. To determine what is possible, or reasonable, to expect, we must look at what *is*. My grievance with justice-based moral reasoning is that it requires a dispassionate and uninvolved decision-making

process in all cases of moral deliberation: a requirement that is unreasonable in its expectations of human moral agents (the moral agent cannot be expected to divorce him or herself from the contingencies of particular moral dilemmas). We must examine what values moral agents concern themselves with, the principles upon which their judgements are based, and proceed from there to develop a moral theory that looks forward from the present: a moral theory that bases its *ought* upon what may reasonably be expected to develop from the current *is*.

The psychologists studied here are concerned with the moral development of the human subject. However, they need a moral theory to measure their subjects' moral development against, to place moral responses in context, and to explain their observations as subjects develop and mature, especially considering the normative judgments that are at least implied by their work. Kohlberg's six stages of moral development, culminating in a rights-based theory of justice, described the moral development of male subjects through all six stages. However, the moral thinking of female subjects does not fit as well into the moral structure outlined by Kohlberg's justice hierarchy insofar as female subjects were typically found to score lower on Kohlberg's scale of moral



stages. Indeed, rather than progressing through the stages in a step-wise fashion, women were sometimes found to regress with age. Rather than concluding with Kohlberg (and the justice tradition in both philosophy and psychology) that women simply do not mature to the same degree as men, Gilligan argues that women tend to use a different type of moral reasoning than men and that they mature morally with respect to this different moral perspective. Where men tend to focus their moral reasoning on justice, Gilligan found that women were more likely to focus their concerns on emotions, maintaining relations and being responsive to others. She argues that the lack of female subjects in previous studies of moral development distorts the results of the studies by giving an incomplete picture of human moral development. Gilligan states that:

the inclusion of women's experience brings to developmental understanding a new perspective on relationships that changes the basic constructs of interpretation. The concept of identity expands to include the experience of interconnection. The moral domain is similarly enlarged by the inclusion of responsibility and care in relationships (Gilligan 1993, 173).

As with Held, Gilligan is concerned with enlarging the moral domain beyond the 'historically specific conception of economic man.' Gilligan claims to have 'defined new

categories of moral judgment and self-description to capture the experience of connection or interdependence" (Gilligan 1988a, 8).

In their paper, "Two Moral Orientations," Gilligan and Jane Attanucci discuss care and justice as distinct moral orientations. Their aim is to discover if there is a correlation between gender and moral orientation. Justice is conceived of as focusing on "problems of inequality and oppression and [holding] up an ideal of reciprocity and equal respect," while care, as a moral orientation, is conceived of as focusing on "problems of detachment or abandonment and [holding] up an ideal of attention and response to need" (Gilligan 1988b, 73). In their study, developed from three separate research samples, subjects were asked to describe moral dilemmas and the methods in which they dealt with them. Both orientations are observed in use by the majority of subjects, males and females, but some subjects displayed a *focus* (a statistically significant preference for one perspective) on one orientation or the other. In those cases where focus is observed, there is a correlation between which orientation is preferred and the gender of the subjects: males who focused, focused on justice, while females who focused, focused predominantly on care. The correlation

between focus and gender is not absolute, however: one male subject (out of 46) demonstrated a care focus, while ten females (out of 34) demonstrated a justice focus. In discussing their results, Gilligan and Attanucci claim that:

The present exploration of moral orientation has demonstrated that (1) concerns about justice and care are both represented in people's thinking about real-life moral dilemmas, but people tend to focus on one set of concerns and minimally represent the other; and (2) there is an association between moral orientation and gender such that both men and women use both orientations, but Care Focus dilemmas are more likely to be presented by women and Justice Focus dilemmas by men (Gilligan 1988b 82).

What is being claimed here is that, while all subjects are capable of using either a justice perspective or a care perspective (and, indeed, that the same subject may very well use both orientations in different circumstances), male subjects will more frequently focus on justice as a method for resolving moral dilemmas, and that female subjects will more frequently focus on care as their preferred method for resolving moral dilemmas.

The correlation of gender to moral orientation raises some interesting questions. Is the gendered division of moral reasoning a result of biological differences, or of socialization, or perhaps some combination of the two? While

I do not wish to speculate on the origins of a gender split in moral reasoning, I would like to point out that focus is determined by a concentration of moral choices based on one method over the other, and that males and females both demonstrate the ability to work with either orientation in varying circumstances. The fact that two distinct moral orientations exist and operate in the moral decision making processes of both male and female subjects indicates that: i) *prima facie* there is at least some reason to suspect that a properly developed theory of care will enlarge our moral understanding; and ii) that there is a need to evaluate the orientations on their own merits, irrespective of their adherents' gender.

In order to help develop a moral theory of care, it will be necessary to examine the parallels that exist between moral philosophers and psychologists. This will illustrate how the two fields may offer support to one another, and will determine how moral psychology may be used as an empirical basis for moral philosophy. I hope this examination will provide the needed grounding for a moral theory of care, whatever form it may eventually take.

#### **Parallels between Moral Psychology and Philosophy: Sentiment**

Feminist writers, psychologists and philosophers, place

a positive value on feeling or sentiment in moral thinking.<sup>11</sup> This positive valuation of sentiment is in direct opposition to the negative value placed on sentiment by the justice tradition in moral theory. Whereas Kant and Rawls want to eliminate feelings and sentiments from moral reasoning, as they have the supposed potential to distort moral reasoning, the feminist writers seek to ensure that feelings and sentiments are included in order to avoid a distortion of moral reasoning.

The rationalist view, which sees emotions as hostile to moral theory, is based on the fear that emotions will cloud reason and impair moral judgement. In a moral view that values rationality and impartiality, the ideal moral judge is an impartial observer, free from the constraints of involvement in moral contingencies. Emotions, it is argued, will bias the moral judge by pulling him towards actions that are self-interested, or other-interested, where the other is in close relations with the agent. Indeed, it is 'interest' that is suspect. For example, if I allow my love for my

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<sup>11</sup> Of course, it is not just feminist writers who value sentiment in moral thinking. David Hume is one philosopher who "makes moral judgments a matter of sentiment and feeling" (MacIntyre 12). Annette Baier suggests that Hume should be considered to be, if not a feminist, then at least a philosopher whose work better reflects the moral perspective of the women in Gilligan's studies, than justice theorists like Rousseau, Kant and Rawls (Baier 1995b).

sister to influence my moral judgement, I run the risk of acting in a way that favours my sister to the detriment of some other, who, from a justice perspective, deserves equal consideration. To eliminate the possibility of bias, a moral agent will be required to distance himself from his emotions and concerns in reaching moral decisions, even if this requires that he distance himself from his love and concern for those closest to him.

From a feminist perspective, the denigration of emotion in moral thinking becomes a moral concern: there is something not right in the action taken out of respect for the moral law rather than from a felt concern for some other. The moral action loses its moral nature when it is divorced from feeling, taken out of respect or duty to some rational principle or moral law. Justice may require that parents take care of their children (or that I favour my sister in particular circumstances), yet this requirement arises not from affection or caring but out of respect for the moral law (Held 1993, 31). While Held believes that there may be feelings inappropriate to moral decision making, she maintains that there are also morally appropriate feelings that we must not discount. Essentially, the view is that we ought not to rule out all emotions from moral thinking on the

presumption that some emotions will cloud our moral reasoning and impair our moral decision making: the desire to have destructive emotions eliminated from moral thinking ought not to result in having all emotions eliminated from moral thinking. For Held, "an adequate moral theory should be built on appropriate feelings as well as on appropriate reasoning" (Held 1993, 30).

Determining what constitutes a 'morally appropriate feeling,' and how to distinguish that feeling from a 'morally inappropriate feeling,' is problematic in developing a moral theory that seeks to include sentiment. I suggest that, rather than picking out specific emotions as being appropriate or not, we should instead focus on the emotional ability of one moral agent to understand and relate to the feelings of another. Emotions are not morally appropriate *in themselves*. Rather, it is the response to those emotions (one's own, or those of others) by moral agents in given situations that is important. Morally appropriate responses will be ones that recognise, respect and promote the attachments between people. Gilligan and Wiggins use the notion of *co-feeling*, derived from Milan Kundera's etymological discussion of *compassion*, to denote the ability of one moral agent to engage and participate in the feelings

of others. In Kundera's usage, *compassion* does not imply feelings of sympathy or pity that "connote a certain condescension towards the sufferer" (Kundera 20), as it does in languages that derive from Latin. Instead, Kundera's use of *compassion* derives from languages (Czech, Polish, German) which form the word *compassion* "not from the root 'suffering' but from the root 'feeling'" (Kundera 20). For Kundera, as for Gilligan and Wiggins who quote the passage (Gilligan 1988c, 121),

to have *compassion* (co-feeling) means not only to be able to live with the other's misfortune but also to feel with him any emotion—joy, anxiety, happiness, pain. This kind of *compassion*...signifies the maximal capacity of affective imagination, the art of emotional telepathy. In the hierarchy of sentiments, then, it is supreme (Kundera 20).

The ability to feel emotions with others encourages attachment, and it "implies an awareness of oneself as capable of knowing and living with the feelings of others, as able to affect others and to be affected by them" (Gilligan 1988c, 123). The idea of attachment between moral agents, the engagement of one self with another, raises the issue of self-definition. It will be important to determine what sort of self is described by psychologists and what sort of self is required by an ethic of care.



### **Parallels between Moral Psychology and Philosophy: View of Self**

Feminist philosophers and psychologists share a very similar view of how the self is constituted, whether as detached or connected, as isolated individual or self-in-relation. By and large, they maintain that the self is constituted in relation to others, developing through time and re/actions with others. Psychologist Nona Plessner Lyons writes in, "Two Perspectives: On Self, Relationships, and Morality," that:

for psychological theories of ego and identity development, a relational conception of self -- the self in relation to others -- is central to self definition. This concern for connection with others should not be considered as present only at particular stages [of moral development] or as an issue pertaining only to women. Although men and women may tend to understand and define relationships in different ways, a definition of self in relation to others is found in both sexes at all ages (Lyons 42-43).

This view of the self, as constituted in relation to others, in addition to devaluing the ideal of isolated autonomous individuals, challenges the distinction that justice theorists make between public and private realms of action. For a justice theorist, the autonomous self can claim a region of private space (consisting of non-contractual relations between friends, family, associates, etc.) that is not subject to public sanction, so long as it does not affect

the private space of any other autonomous agent. However, the justice claim that the private realm is not subject to public sanction, rests upon a mistaken view of the self as isolated and autonomous. If the self is constituted in relation to, or with, others, the boundary between private and public spheres becomes blurred and it will become difficult, if not impossible, for any moral agent to maintain a private realm that does not contain considerations that arise through attachment to others.

Gilligan and Wiggins write that human attachment is premised "on the responsiveness of human connection, the ability of people to engage with one another in such a way that the needs and feelings of the other come to be experienced and taken on as part of the self" (Gilligan 1988c, 120). Similarly, Virginia Held writes that, if we were to be freed from the constraints put upon us by our association with others, "we would, as persons, still have ties to other persons, and we would at least in part be constituted by such ties. Such ties would be part of what we inherently are" (Held 1993, 58). As the identity of the self comes into being (and, in a sense, is defined) only in the social context of relations to others, those others must be considered as *part of the self* in question. This is not to

contend that the self is constituted solely of others. It is rather to say that other selves are an important and vital part of any particular self: that those others, as parts of the self, must be considered when making moral considerations and judgments.

Following from this challenge to the public/private split in moral theory, is the feminist view that selves are not entirely autonomous. For a self to be autonomous it must be distinct, or separated, from others. The very notion of autonomy implies that a distinction is to be made between self and others, which is rigidly defined, with definite boundaries. That is, an autonomous self is a self that is necessarily isolated from the influence of others. However, in feminist terms, as the self is seen as constituted in relation to others, and as those others become a part of the self in question, it will not be possible for any self to claim that it is autonomous in the Kantian sense, or free of connexions and entanglements with others that influence the self in vital ways. A blurring of the boundary between private and public, between self and other, makes it difficult to isolate the autonomous self. In turn, this difficulty will further undermine the basis for a justice-based moral theory: without a distinct and identifiable

autonomous self, the liberal conception of justice, concerned with contracts freely chosen by self-interested autonomous individuals, requires substantial modification.

I do not wish to claim that there is no degree of personal autonomy allowed by a relational conception of self. In fact, anyone with the power to choose for him/herself demonstrates his/her autonomy to some degree. However, the entanglements of self with others will certainly affect the choices an individual makes, and furthermore, will put limits upon the degree of autonomy that the individual is able to exercise while still maintaining the integrity of the self's relations to others.

Justice-based moral theories presuppose an individual who reasons from a position of detachment, an individual whose judgements are based on empirical fact and rational principles. This judging individual must be dispassionate and disconnected from the moral situation, while not allowing himself to be distracted by emotion or interest. Effectively, then, the judge will have no individuating characteristics, i.e., the judge is not a particular person, but one who knows and one who judges. The one who judges is an abstraction, or an idealization, not an actual individual. The problem is that our abstract knower does not exist. He has been

constructed from a set of presuppositions about human nature and the way people judge (morally). I see these presuppositions as, by and large, false. The idea that a moral agent ought to be, indeed can only be, divorced from the contingencies of life with other people, implies a morality that operates without concern for particular others in specific relationships.

### **Parallels between Moral Psychology and Philosophy: Maintaining Relationships**

Central to both feminist philosophical and psychological accounts of morality is the idea that moral concerns and problems arise in relations between individuals. These relations may be contractual, but they certainly do not have to be. In my view, though contractual relations are the paradigmatic case of moral relations in justice-based moral theory, they are only a very limited subset of the much larger group of moral relations. Contractual relations are typically restricted to the realm of governments and markets. While I do not wish to suggest that contractual relations are not important to moral theory, I do assert that there is a whole host of non-contractual, yet very much moral, relations that have been ignored, or have not been given due consideration by justice-based moral reasoning. These relations will include the 'mother-child' paradigm suggested

by Held, but it will also include other relations, such as those that arise between friends, lovers, co-workers, members of social, religious or sporting groups, etc. In short, the class of morally important relationships will be co-extensive with the class of human relationships.

For Gilligan, the split between care and justice perspectives in moral theory depends upon how relationships are conceived and organized. When relationships are conceived of in terms of equality, "moral concerns focus on problems of oppression, problems stemming from inequality, and the moral ideal is one of reciprocity or equal respect" (Gilligan 1998d, xvii-xviii). Alternatively, when relationships are conceived of in terms of "responsiveness or engagement, a resiliency of connection," then "moral concerns focus on problems of detachment, on disconnection or abandonment or indifference, and the moral ideal is one of attention and response" (Gilligan 1998d, xviii). The concern will be how to maintain the relationships that constitute the self.

The psychologists see a concern for maintaining relationships as an important consideration for those making moral decisions, while the philosophers see maintaining relationships as a requirement of any moral theory that values caring. In Gilligan's studies, one of the recurring

themes of respondents to real-life moral dilemmas was how they could protect their friends, families, lovers and the relationships that they have with those people. A feminist moral theorist must also be concerned with maintaining relationships, as it is within relationships that the selves of those involved are at least partly constituted.

### **Conclusion**

Building on the view of the relational-self and the importance of sentiment in moral thinking, psychologists Gilligan and Wiggins see the fact that self and others live in a state of interconnectedness as forcing a shift in moral concerns and questions from essentially justice-based concerns to care-based concerns. If we accept that "co-feeling implies an awareness of oneself as capable of knowing and living with the feelings of others, as able to affect others and to be affected by them," then our understanding of the primary moral concerns between people will change:

No longer does moral inquiry turn on the question of how to live with inequality -- that is, how to act as if self and other were, in fact, equal or how to impose a rule of equality based on a principle of equal respect. Instead, moral inquiry deals with questions of relationship pertaining to problems of inclusion and exclusion -- how to live in connection with oneself and with others, how to avoid detachment or resist the temptation to turn away from need (Gilligan 1988c, 123).

In the language of the feminist philosophers, the primary moral questions shift from questions framed by justice considerations to questions framed by considerations of care.

Moral theory is about the interaction that takes place between people. It must be able to focus on the contingent nature of relationships. It cannot be too abstract and still be useful in practical application, even if it is a coherent and compelling theory such as the one developed by Rawls in A Theory of Justice. Rawls and others have certainly argued well for justice considerations in moral theory. As we have seen, however, these considerations cannot address all of the moral concerns that we may have. The difficulty arising from Gilligan's work is how to expand the moral realm to include care considerations without pushing considerations of justice to the margins of morality. The constraints imposed upon us by the standard justice theories are too important to the moral project to be ignored. However, constraints are not the whole of morality; mechanisms for enabling are needed as well. Considerations of care provide these needed mechanisms.



## **Chapter Four**

### **Universality, Reductionism and the Argument for Pluralism**

In this final chapter, I examine the possibility that, as moral perspectives, neither care nor justice will be sufficient for addressing all of our moral concerns. Instead, I argue that moral decisions are to be made with reference to a plurality of moral principles in a collective moral conversation. In the preceding chapters, I have identified the following: the historical gendered division of moral virtues; the need for moral theory to be more widely applicable than the standard justice theories, and; a psychological basis for supporting a feminist moral theory. These three previous chapters point to a need to re-think our approach to moral theory. In this chapter, I attempt just that by developing an argument, based on the feminist theory of self, that collective moral decision making, wherein moral agreement is reached through intersubjective dialogue, is preferable to universalistic theories that base their approach on individual rationality. In so doing, I criticize both care and justice theories as being insufficient based on their reductionist approach to moral theory.

#### **Individual and Collective Decision Making: Addelson & Rawls**

The goal of moral theory, as I see it, is nothing more

(or less) than to answer questions about how we distinguish the right thing to do from the wrong thing to do. Moral theory, from Plato to the present day, tries to answer the question 'how should one live?' A major difference between classical theorists and modern theorists is the priority placed on this question of how one should live. For the classical theorists, the question 'how should one live' is subordinate to the question 'what is the good life?' (Habermas 1993a, 116-17). Classically, until the nature of the good life is determined, we cannot answer the question of how to live. However, in the social contract tradition, questions concerning the nature of the good life have been left to individual discretion. The main concern is with working out a procedure for determining how the individual should live his life, given the constraints put upon him by his society with others. That is, to what extent can the individual be left to his own devices without his interfering with others? As we saw in Chapter Two, one influential answer to this question comes from the social contract tradition, whether framed as Kant's Categorical Imperative, or as Rawls's two principles of justice.

If we take feminist, and other objections to justice-orientated moral theory seriously, we will have to look

beyond justice for a moral theory that can appeal to all moral agents, and not just the male head of the household that justice theories privilege. Indeed the question 'how should one live' is necessarily restrictive and serves to limit moral discussion to a discussion of the rights, responsibilities and constraints that may be justifiably put upon the individual. Instead, as K.P. Addelson suggests, we ought to ask the question 'how should we live?' (Addelson 1994, 6-7). The switch from the individual one to the collective we forces us to consider moral concerns as arising in collective, rather than individual, action.<sup>12</sup>

Following somewhat in the footsteps of Carol Gilligan, Addelson's book, Moral Passages: Toward a Collectivist Moral Theory, examines the moral decision making process as exemplified by young, single women faced with the choices brought about by their pregnancies. While Virginia Held focuses on *mothering* as her substantive topic, Addelson shifts from *mothering* to *procreation*. This shift is made to reflect the communal nature of child rearing as opposed to

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<sup>12</sup>This shift in focus may bring us closer to answering questions about the nature of the good life insofar as 'the good life' is only attainable in a social context. However the intention of this shift in focus is to examine the social and moral context which enables the pursuit of 'the good life.' It is beyond my purposes to try to determine what 'the good life' may be, but the pursuit of the good life (and its definition) is, in my view, a collective activity.

leaving the focus on individual mothers. Child rearing, or procreation, is viewed by Addelson as being "the collective concern of a group of intimates" (Addelson 1994, 22). The decisions faced by the women in Addelson's study (whether to abort, offer for adoption, or keep their babies) are not made by the women alone. Moral decisions are reached through a process of consultation and deliberation with others. Central to Addelson's argument is the point that moral decisions, and decision-influencing principles, are formed in, and informed by, collective action. Focussing on collective action as the arena of moral concern, as Addelson does, makes sense given the psychological and philosophical views of the self discussed in Chapter Three. It was argued in Chapter Three that the self should be thought of as dependent upon (and partly constituted by) those others in fairly immediate relationships with the self in question, rather than as essentially independent and autonomous.

Addelson's view of ethics as being created in collective action provides an interesting contrast to Rawls's theory of justice. For Rawls, moral principles are created in an imagined conversation—the Original Position—between autonomous moral agents prior to their engaging in the contingencies of real-life social interaction. For Addelson,

moral principles are reached *through* the contingencies of social interaction between actual moral agents: "It is only by understanding the ethics as something to be enacted (not as abstract theory) that it is possible to see how the ethics contributes to the generation and regeneration of the social order, thus how it makes an answer to how we should live" (Addelson 1994, 26).

Rawls's system has the advantage of treating each moral agent as if equal with every other agent and with each agent contributing equally to the imagined conversation and its eventual outcome. Rawls's Original Position is structured to give everyone an equal opportunity to contribute to the moral conversation, but this is a theoretical conversation between abstract individuals who have no differentiating characteristics; i.e. individuals who are essentially identical and therefore not individuals at all. Addelson, on the other hand, enables moral debate to take place between 'real people' in 'real life' situations. However, as moral agents in actual social interaction are not in fact equal with respect to their capabilities and influence upon one another, Addelson cannot guarantee that each agent will be heard and treated equally in an actual moral conversation. This may pose a problem for Addelson in that, if moral

principles are to be decided in actual interaction between unequal individuals, then it is reasonable to presume that some individuals, or groups of individuals, will have more influence than others in deciding which moral principles are to guide our actions in particular circumstances: a situation that may favour the traditionally more powerful.

However, if we accept the feminist definition of self offered in Chapter Three, as I think we should, then Addelson's theory marks a distinct improvement over Rawls's theory. The feminist account of the self implies that the self is inherently connected to other selves and that it is in part constituted by these connexions. This view forces an acknowledgment that relations between selves are important to moral concerns. This point is raised by Carol Gilligan: that relationships, and the maintenance of the self-in-relation, are the central concerns of a care perspective (Gilligan 1988a, 8). Gilligan, unlike justice theorists, recognises that morally relevant concerns do not end at the boundaries of the self.

For the rationalist justice theorists, moral concerns can only be considered from the standpoint of the rational autonomous will (or some variation thereof). The Rawlsian Original Position requires that moral agents abstract

themselves from their contingent social situations, forcing them to disregard all that they know about themselves and their circumstances. The problem with this perspective is the negative view it entails of everything beyond the boundaries of the autonomous self. The rational discourse of justice theories, such as Rawls's, discourages the moral agent from accepting as morally relevant some of the very things that are most important to each self: the love, community, trust and connexion found in relations with particular others.

Addelson, by contrast, encourages us to discuss moral principles from the contingent standpoint of socially embedded individuals, without disregarding our knowledge of ourselves or our social realities. This is an improvement, in that it allows for the contingent and the particular to influence the moral, a demand made by feminist critics of the justice tradition. Allowing for the contingent and the particular enables a broader discussion of morality; a discussion where the claims of justice, and/or care, can be balanced with competing moral claims.

While Addelson has not offered us a system that guarantees equal consideration of each individual's point of view, she has offered a system that is based on the ways in which the moral community interacts—not as abstract

autonomous agents in an original position, but as actual, socially embedded individuals and groups in social interaction: "Taking collective action to be basic means that people and societies have their existence and meaning in action—the action and experience of making, meeting, and managing situations" (Addelson 1994, 144). It is in the collective action of "making, meeting, and managing situations" that moral knowledge is created and moral decisions are made. Recognising that moral knowledge and decisions are made in collective action is an important insight in Addelson's work, and, in my view, this insight is important to moral theory generally insofar as it forces moral theory to look at the ways in which actual moral agents interact and make judgments collectively. Discovering the ways in which moral judgments are made enables the moral theorist to see what moral agents are capable of, i.e., to see what is possible in terms of human moral cognition. As discussed in Chapter Three, I think it reasonable to hold that a moral theory ought to be based on what may be expected from human moral agents, and, in this light, Addelson's theory improves upon theories that require us to abstract ourselves from our contingent situations.



### **Communicative Ethics and Universality: Addelson, Habermas and Kohlberg**

Although she does not refer to Michel Foucault, Addelson takes a somewhat Foucauldian approach to the way in which bodies of knowledge are created, controlled and professionalised (Addelson 1994, 139-40). Addelson shows how moral knowledge pertaining to abortion is formed by social institutions, church, medical professionals, schools, families and social workers. She also discusses how this culturally created moral knowledge influences the decisions of the young women in her study, by demonstrating how influential these institutions are in their lives. Her claim is that individual moral decisions are made in a broad cultural context that is influenced by social institutions and norms, which I argue, in part constitute the decision-making selves of the moral agents in question.

Addelson also sees knowledge and truth as social objects created in and by our collective culture. She focuses on "the ways that truth has been enacted in collective action, and how the appearance of a unified culture or value scheme is politically created in action" (Addelson 1994, 165). What is important here is that the 'appearance of a unified culture or value scheme,' hides discrepancies between individual and cultural values and, in so doing, delegitimizes alternative

values or ways of looking at a given situation, such as the decision to have an abortion or not.

However, being *hidden* does not mean being unknown. Through discussion, action and social conflict, what is hidden is often revealed and may even move into the mainstream of moral consciousness. This is an ongoing process wherein moral knowledge is continuously being revised and recreated through social interaction, just as selves are created and recreated through social interaction.

Still, the fact that we can create a moral theory (or theories) in actual collective experience, rather than in abstract theoretical situations, does not imply that the emergent moral theory will not be justice. Jürgen Habermas, who argues for a form of collective moral decision making (Habermas 1993b), argues that principles of justice will be the moral principles of choice for a society that engages in a collective discussion of morality. Both Kohlberg and Habermas readily admit to the influence of each on the other's writing. Kohlberg makes extensive use of Habermas to defend his own position on justice being the preeminent moral virtue (Kohlberg 1983, 10-17), while Habermas offers a defence of Kohlberg's 'universalistic position' (Habermas 1993a, 113-32), i.e. that justice is universalizable and that

justice is also in fact universally developed.

For Habermas, "a norm is valid only if it could be accepted by all potentially affected in a real process of argumentation, meaning that the norm must be capable of satisfying the interests of each participant" (Habermas 1993b, 158).<sup>13</sup> This is a principle of universalization similar to, but distinct from, the principles used by Kant and Rawls. The distinction is that the agreement or consensus reached is arrived at not through individual rational will or in an imagined conversation, but rather in a 'real process of argumentation,' similar to what Addelson has in mind with her concept of individuals being collectively engaged in moral conversation.

Like Rawls and Kant, but unlike Addelson, Habermas is trying to arrive at universal acceptance of the basic moral principles of justice:

Under modern conditions, philosophy can no longer stand in judgment over the multiplicity of individual life projects and collective forms of life, and how one lives one's life becomes the sole responsibility of socialized individuals themselves and must be judged from the participant perspective. Hence, what is capable of commanding universal assent becomes restricted to the

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<sup>13</sup> This statement of Habermas's view is taken from a question posed by Torben Hviid Nielsen in an interview with Habermas.

procedure of rational will formation (Habermas 1993b, 150).

This quotation from Habermas points to a distinction, made by both Habermas and Kohlberg, between the ethical and the moral. Ethical questions concern how one lives one's life, while moral concerns are focused on what can be universally expected of everyone, i.e. which principles are universalizable. This distinction between the ethical and the moral rests in part on Habermas's understanding of the self in relation to moral and ethical questions:

Ethical questions of the good life can be distinguished from moral questions by a certain self-referentiality. They refer to what is good *for me or for us*... This egocentric-or, as in the case of political questions, ethnocentric-reference is a sign of the internal relation between ethical questions and problems of self-understanding, of how I should understand myself (or we ourselves as members of a family, community, nations, and so forth).... The fact that ethical questions are implicitly informed by the issues of identity and self-understanding may explain why they do not admit of an answer valid for everyone (Habermas 1993a, 126-27).

The universalistic position of Habermas (and Kohlberg) requires that moral questions are resolvable with answers that are rationally valid for everyone. Habermas, as with other justice theorists, sees the particularities of individuals as more or less irrelevant to *moral* issues, as

particularities interfere with the process of the universalization of moral principles.

In his 1983 book, Moral Stages: A Current Formulation and a Response to Critics, Kohlberg makes, by his admission, the controversial meta-ethical assumption that the universalizability of moral principles is a necessary precondition for moral inquiry (Kohlberg 1983, 71). Beyond this meta-ethical assumption, Kohlberg and his fellow researchers also claim that the principles of justice are universally subscribed to by mature moral agents in all reasonably developed societies:

there is a universally valid form of rational moral thought process which all persons could articulate, assuming social and cultural conditions suitable to cognitive-moral stage development. We claim that the ontogenesis toward this form of rational moral thinking occurs in all cultures in the same stepwise, invariant sequence (Kohlberg 1983, 75).

Kohlberg goes on to say that:

our claim about universalism is first a claim that the development of structures of justice reasoning is a universal development. Second, we claim that the moral norms and elements...are norms and elements, that have been used by moral reasoners in all the cultures we have studied [U.S.A., Israel & Turkey] (Kohlberg 1983, 75).

These claims amount to the assertion that Kohlberg's theory of moral stages and development can be applied to all persons in all reasonably developed societies. Habermas supports Kohlberg's claim in defending the thesis that,

anyone who has grown up in a reasonably functional family, who has formed his identity in relations of mutual recognition, who maintains himself in the network of reciprocal expectations and perspectives built into the pragmatics of the speech situation and communicative action, cannot fail to have acquired moral intuitions of the kind articulate in propositions ...[that assert]... the universalistic, egalitarian values of the radical democratic tradition (Habermas 1993a, 114).

For a moral claim to be universal, it must be capable of being seen as such by the moral agents to be governed by it. Kant's view that a maxim must be capable of universalization is still operating in a modified form within the theories of Kohlberg and Habermas. The universalist claim raises two questions: i) How, if justice is universally applicable, do we account for the fact that care is sometimes used as a moral principle instead of justice; and ii) does the principle of universalization work in guiding actual moral decisions?

Kohlberg attempts to provide a response to this first question by subsuming care as a moral orientation into his

Kantian justice theory. While he acknowledges that Gilligan's research on the care orientation forces "the enlargement of the moral domain" (Kohlberg 1983, 27), he claims that the care orientation is useful only for special relations of obligation arising between friends and family; relations which, he admits, were not adequately addressed by previous formulations of his theory. Kohlberg states that "we do believe that dilemma situations involving such special relationships can be handled by a universalistic justice ethic of respect for persons or rules and with the concepts of reciprocity and contract" (Kohlberg 1983, 20). In other words, relations of care presuppose justice considerations.

It is interesting to note that Kohlberg would claim that care presupposes issues of contract, but I think that he is fundamentally wrong on this point. Obligations of contract are exactly what care is *not* about. Relations between friends and family members are not freely chosen arrangements between equal and autonomous parties,<sup>14</sup> and thus, the moral concerns

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<sup>14</sup>My claim that relations between friends are not freely chosen may be contentious for some. Held, for instance, in arguing against *friendship* as a paradigm for moral relationships, states that friendship is appealing to some theorists as a paradigmatic relation because it is "based on choice" (Held 72). Held's argument against friendship as a paradigm is premised on her view that "many friendships approach contractual relations in ways that the relations between mother and infant cannot" (Held 72). While there is definitely a factor of choice in relations between friends, I think, in opposition to Held, that the factor of choice in friendship is greatly exaggerated, and further, that relations between friends are more akin to relations between family

that arise in these relations are not properly addressed by the obligations of contract. Even if contractual obligations could be applied to relations of special interest, in my view, the application of contractual obligations to relations between friends and family members lessens the human value of these relations.

While Kohlberg recognises that justice is not sufficient for special relationships, he denies that care constitutes a separate moral theory. In fact his research:

does not indicate to us that there are two separate general moralities, one of justice and generalized fairness and another completely separate or opposed morality of care. In our view, special obligations of care presuppose but go beyond the general duties of justice, which are necessary but not sufficient for them (Kohlberg 1983, 21).

The obvious question remaining is 'how are we to deal with the special considerations raised by close interpersonal relationships?' Kohlberg's answer is that these special considerations can only be dealt with in a particularist manner at the post-conventional level of justice reasoning, i.e. stage six, where the dictates of justice provide the

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members than they are to parties to a contract. What distinguishes friendship from contract relations is the factor of rational choice that is central to social contract theories. While we may choose our friends, we do not rationally calculate such choices, as we would in contract relations.



context for moral decision making. "Reasoning at this postconventional level," Kohlberg contends, "leads to a tolerance about the resolution of personal dilemmas of special obligation, while at the same time upholding a general framework of non-relative justice which provides the context within which individually varying personal moral decision-making takes place" (Kohlberg 1983, 25).

If 'special obligations of care presuppose but go beyond the general duties of justice,' then these obligations are in some sense optional and are to be followed, or not, on an individual, case-by-case basis. However, if the care perspective is left as an optional moral extra, then, as discussed in Chapter One, justice theories will be guilty of exploiting those who do take up the optional obligations of care:

The trouble is that it will not do just to say "let this version of morality be an optional extra. Let us agree on the essential minimum, that is, on justice and rights, and let whoever wants to go further and cultivate this more demanding ideal of responsibility and care." For, first, the ideal of care cannot be satisfactorily cultivated without closer cooperation from others than respect for rights and justice will ensure, and, second, the encouragement of some to cultivate it while others do not could easily lead to exploitation of those who do (Baier 1995a, 25).

As the justice perspective holds up the ideals of non-interference and respect for individuals' choices to do what they see fit, the justice perspective will not be exploiting only those who take up the special obligations of care. It will also be guilty of exploiting those who undertake socially vital work, of benefit to the whole moral community, that is not specifically required of them by the obligations of justice. The ideals of non-interference and respect for individual autonomy are not enough to maintain a decent moral community. It seems unlikely that justice, insofar as it does not recognise the obligations of such socially vital ideals as care, will be suited to fostering a community in which one would want to live.

I would now like to return to the second question raised by Kohlberg's universalistic position, namely, 'does the principle of universalization work in guiding actual moral decisions?' Habermas claims that all who could be affected by a given issue must have their voices heard and that their yeses and nos be accounted (Habermas 1993b, 154). While this may be possible in small-scale situations (for example, where all concerned could sit in a room and discuss the issues), it is hard to imagine a communication situation for broad issues of social policy. Indeed, 'under modern conditions' not

everyone can be consulted and heard on each issue. Modern democracies, ostensibly founded on the principles of justice, often use referenda to decide contentious issues of concern to all members of the society. While a referendum would take an aggregate of all the yeses and nos into account, a referendum is not a discussion. Rather, the outcome is determined from amongst a very small number of options and all debate on the issue(s) is centred either on accepting or rejecting a given claim, not upon reaching a moral consensus or agreement through discussion.

Another option for developing universal moral principles is that of reversing perspectives with the other. That is, universality can be achieved through each moral agent adopting the perspective of the other to understand their point of view and to see if, in this reversal of perspectives, the moral principles in question are still acceptable. Through "a public practise of *shared* reciprocal perspective taking: each individual finds himself compelled to adopt the perspective of every other person's understanding of himself and the world" (Habermas 1993b, 154). Rawls's Original Position has become, with Habermas, a continually changing, intersubjective communication situation. According to Seyla Benhabib, this approach

improves upon Rawls by moving the justificatory process away from the disembodied individual into the realm of communicative discourse, where more knowledge, not less, leads to an informed, rational decision (Benhabib 169).

While I would agree with Benhabib that Habermas has improved upon Rawls, I think that the reversibility of perspective required for universalizing moral principles is very possibly impossible, but in any case, certainly very difficult to attain.<sup>15</sup> In the Rawlsian Original Position we do not really put ourselves in the other's position, or even imagine ourselves in it. Parties to the Original Position decide upon principles of justice to guide the rational distribution of goods, in order that each may avoid the possibility that she will end up in the unfortunate position of not having sufficient primary goods. The positions of other moral agents are not considered within Rawls's Original Position.

With respect to Habermas's approach to reversibility, I think it is simply not possible to effectively 'adopt the perspective of every other person's understanding of himself

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<sup>15</sup>I argue below that reversibility is an essential feature of moral deliberation, but not for universalizing purposes. Reversibility is instead to be used in particular cases between particular moral conversationalists.

and the world.' While it is necessary to consider the position of the other, it is not possible to adopt every other's understanding. The theoretical situations where reversibility can be applied are just that: theoretical positions that do not take into account the ways in which culturally embedded agents make moral decisions and agree upon moral principles to guide action.

Having said this, I would like to point out that the reversibility of perspectives is crucial to the collective moral conversation. However, reversibility can be practically attained only in specific conversations between specific individuals. Taking another's perspective requires first that the other's point of view is listened to and understood. We cannot adopt Kant's approach to reversibility (that of the autonomous will rationally deciding whether a moral principle can be universalized), for his process is individualistic, and cannot ensure that the other's voice is heard. Nor can we use Rawls, as the Rawlsian conversation is not real and does not take place between actual moral agents. Habermas's approach, while initially promising, fails due to its inherent impracticality. We must look then for a way to incorporate the other's perspective into our moral decisions.

### **Shrage and the Rejection of Reductionist Moral Theories**

Finding a coherent way to incorporate the view of the other into moral theory without appealing to universalist positions is a project taken up by Laurie Shrage in Moral Dilemmas of Feminism: Prostitution, Adultery, and Abortion. For Shrage, "the aim of moral analysis should be tentative political agreements between different and interested agents rather than intellectual homogeneity" (Shrage 14). This aim runs counter to the universalistic theories of Habermas and Kohlberg, where the aim of moral analysis is to render principles that can be universally prescribed. In her criticism of universalistic moral theories, Shrage focuses on the difficulties involved in reaching cross-cultural moral agreements.

The concern with cross-cultural moral judgments is justified by the fact that, increasingly in the contemporary world, separate moral communities are involved with one another in a variety of ways. Consequently, principles are required to evaluate moral judgments, not just within a community, but cross-culturally as well. A universal moral theory, if attainable, would do nicely, but, as Shrage points out, moral theories that claim universality of application can lead to ethnocentrism in moral theory and practise

(Shrage 18). Ethnocentrism is a problem for moral theories that reduce the standards of moral judgment to just one (or a very few) moral principle(s).<sup>16</sup> It is on these grounds that Shrage rejects care as the *basis* for a moral theory:

Care ethics asks us to conjure up our best models of caring for others in order to make ethical judgments. While this is not a procedural ethics in the formal sense, an ethics of care does offer us an informal procedure to guide moral analysis. By offering us rough guidelines rather than universal principles, care ethics strives to avoid the narrow and artificial formalizations of moral dialogue characteristic of traditional ethics. However, though not formalist in approach, an ethics of care is inevitably reductionist. That is, it reduces all the standards that may be invoked in moral debate to one basic standard - that of care. This to me is its most serious drawback, and one most likely to engender ethnocentric thinking (Shrage 18).

Interestingly, justice theories, or any reductionist theory for that matter, may also be rejected on these same grounds. This is not to say that principles of care, or of justice, do not open up valuable directions for moral analysis and

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<sup>16</sup>Shrage's rejection of ethnocentrism may be *prima facie* thought of as an universal moral prescription (the very sort of thing she is trying to avoid). However, I take her rejection of ethnocentrism as being epistemic rather than strictly moral. Ethnocentrism, on Shrage's view, involves a "cultural distortion" (Shrage 27) of the facts that influence moral deliberation: "without knowledge of the purposes and convictions that are constitutive of another society's practise, we are likely to attribute faults of character to entire human communities" (Shrage 30). In other words, ethnocentrism is (at least in part) a failure to know or understand the other's particular circumstance. This epistemic failure is, on my reading, prior to the resultant moral ethnocentrism.

explanation. Indeed it cannot be denied that principles of justice and care are important and useful to moral analysis, whether within a given culture or across cultural boundaries. Shrager's point, however, is that no one principle is sufficient to guide all moral judgments.

Though care may be useful to moral analysis, Uma Narayan argues that care as a moral principle has been used by Europeans to justify the colonization of large groups of others. Bringing European material, cultural and moral values to the colonized world, "was seen as being *in the interests of, for the good of, and as promoting the welfare of the colonized*" (Narayan 133). Narayan recognises the value of care as a moral principle, but she is concerned that, as seen in the context of European colonialism, care may be used as a means of maintaining the subordination of one group in relation to another:

While aspects of care discourse have the potential virtue of calling attention to vulnerabilities that mark relationships between differently situated persons, care discourse also runs the risk of being used to ideological ends where these "differences" are defined in self-serving ways by the dominant and powerful. Notions of differences in vulnerabilities and capabilities should be recognized as *contested terrain*, requiring critical attention to who defines these differences as well as their practical implications (Narayan 136).



Narayan's criticism of care can be applied to relations between particular others as well as generalized or cultural others. Indeed, her criticism can be applied to any relations where there is a *differential relation* of power or influence between moral agents or groups of moral agents. This is interesting, and I believe damaging to care theorists, as it is specifically relations between unequal individuals, that caring, as a moral principle, is intended to address.

Even if one is not worried by a renewal of colonialism, I still believe that we should take Shrage's and Narayan's points about care and ethnocentrism seriously. How we define our culturally embedded selves is important both to our determination of whom we will care for, and to the limits to which we will extend our care. Beyond the scope of those known to us personally, care most obviously extends to the clan, the religious and/or political community in which one is situated, and perhaps to the members of one's nation state. If care is to be our primary moral principle, it will be hard to make moral judgments concerning radically different others, as our caring does not extend far enough to encompass those radically different others.

The limits to which we extend our personal care are very real. While I do not wish to make myself appear uncaring, I

must confess that in a sense, I do not care at all for radically different 'unfortunate others' in other societies. While I may claim to be concerned about their situation, it is not them that I actually care about. Rather, the concerns I have about their position as 'unfortunate others' are based more upon justice considerations relating to the unequal distribution of goods (in which, as a member of the colonizing world, I am to some extent morally culpable), and upon respect for the other's status qua human, than they are upon care for the others' individual selves. Care comes into play only when some human connexion is made, i.e. when a relationship between particular others is established. This may certainly happen with respect to radically different others, but it is only in the context of a felt relation that caring for others can be realised as a principle capable of influencing cross-cultural moral judgments.

There will be those, such as Sister Simone Roach, who object to my view that caring does not travel well across cultural divides. For Roach, to be human is to care; human caring is in a sense the essence of what it means to be a human, and she bases her ethics on this ideal of human caring (Roach 14). However, while it may be true that to be human is to care, it is also true that to be human is to have a whole

host of various capacities, emotions, desires, and appetites. Rather than claiming priority for care, it could just as easily be said that to be human is to think rationally, and that the demands of rational thought imply that we should use justice as our primary moral principle.<sup>17</sup> Moral life, in my view, is too complex, and moral agents too different, for moral decisions to be governed by any one principle. As different individuals and different cultural groups define what is essential to moral life in different and often competing ways, there is no reason to privilege caring over any other moral perspective, or the human capacities upon which those perspectives are based. Indeed, there is no reason to privilege any one moral perspective (or principle) over all other perspectives (or principles), especially considering the (temporal) instability of moral principles in intersubjective dialogue. To properly render moral judgments then, we will need "to pluralize our moral standards, not reduce them, in order to complicate moral analysis in ways that life is complicated" (Shrage 21-22).

### **Moral Pluralism Without Meta-ethical Relativism**

My defense of moral pluralism is open to charges of

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<sup>17</sup>Of course it is not just rationality that can be appealed to. Theologians might have us obey the revealed commands of God; economists, the dictates of the market, etc.

impotent moral relativism. It can be argued that in attempting to avoid ethnocentrism in cross-cultural moral judgments, I have given up the ability to make normative judgments about cultural others insofar as I have denied the legitimacy of applying reductionist moral theories (such as care or justice) across cultural boundaries. The relativism to which my theory is susceptible is a second order, or meta-ethical, relativism; a relativism about the moral theories through which we make moral judgments. A meta-ethical relativist claims that there are a variety of irreducible moral systems, none of which has any more claim to validity than the next. Further, the meta-ethical relativist claims that there are no absolute moral values universally valid for everyone across cultural and temporal boundaries. For the meta-ethical relativist then, there will be no way of validating cross-cultural normative judgments. If we cannot apply our normative standards to cultural others, then we cannot make normative judgments about those others unless it is upon their moral terms that we base our judgments. This is clearly an inadequate moral position as we want to be able to say, for instance, that Nazis ought not to act upon their fascist standards, or that certain cultures ought not to

practice female genital mutilation.<sup>18</sup>

It is a matter of empirical fact that there are a plurality of moral values and systems subscribed to by various individuals and cultural groups. These various moral values are supposed by the relativist to generate irreconcilably different normative judgments about similar moral dilemmas. John Ladd, for instance, claims that "throughout the world and throughout history there has always been an *irreducible* diversity of cultural patterns, institutions, economy, language, personality, and so on, as well as a diversity of moral beliefs, rules, and practices" (Ladd 3, *emphasis added*). In examining the history of human moral institutions it is hard to argue with this view: there are indeed a plurality of moral values and systems. The question is whether or not the fact of moral variability necessarily entails a meta-ethical relativist position. I shall argue that moral pluralism does not entail such a relativism in that, though there are a plurality of moral values and systems, these values and systems are *not* irreconcilable. Indeed, it is my contention that through

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<sup>18</sup> I use the term *genital mutilation* rather than *infibulation* or *circumcision*, to express my own normative judgment about the practice—a practice that in my view should not be able to hide behind misleadingly neutral terminology.

plurality we can reconcile cross-cultural (and intra-cultural) moral disputes.

The claim that there a variety of *irreducible* moral systems is premised upon what Michelle Moody-Adams refers to as descriptive cultural relativism. Descriptive cultural relativism is:

the claim that differences in the moral practices of diverse social groups generate 'ultimate' or 'fundamental' moral disputes, disputes that are neither reducible to non-moral disagreement or susceptible of rational resolution-disputes, that is, that are in principle irresolvable (Moody-Adams 15).

Moody-Adams seeks to undermine the relativist position by claiming that "descriptive cultural relativism is empirically underdetermined and that even the best arguments for the thesis fail to support it" (Moody-Adams 16). Whether descriptive cultural relativism is empirically underdetermined or not, it will be enough to counter the charge of relativism if we find that the disputes generated by diverse moral practices and beliefs are *not* irresolvable.

If, as I have argued, the context in which moral decisions are made is an important morally determinative feature, then we will have to uncover the situational

meanings latent in instances of ostensibly opposed moral views. A close look at situational meanings will reveal whether differences in moral opinion are really fundamental, or whether they are instead differences which are in fact resolvable. Moody-Adams and Richard Bernstein both argue that moral disputes between cultures, if they are in fact moral disputes, are susceptible of resolution (Moody-Adams 1997, Bernstein 1983). Moody-Adams and Bernstein both contend that there must be some common moral ground between two different cultures for there to be an intelligible moral dispute at all. If there is no common ground (no moral principles that can be accepted, or recognised as legitimate, by both cultures), then there is arguably no way of determining that the two cultures are referring to the same sort of action in their competing normative moral valuations. The moral dispute may not be strictly moral at all. It may instead arise from divergent situational meanings that create the impression of a moral dispute. Different situational meanings in different cultural contexts imply that what is *prima facie* a dispute about the same action, is not in fact a dispute about the same action at all.<sup>19</sup> In order to establish an instance of

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<sup>19</sup>This situation, in which the parties to a supposed moral dispute are using the same (or similar) moral terms with different situational meanings, is similar to Gilligan's analysis of the difficulties in moral communication between men and women:

irresolvable moral conflict, it will "be necessary to produce two people, or two cultures, who attribute identical non-moral properties to an action that they nonetheless appraise differently" (Moody-Adams 36).

Let us take abortion as an illustrative example. Debates about the morality of abortion typically take place between two opposing camps: pro-life and pro-choice. Both groups use the language of rights to support their claims: pro-life advocates arguing that the fetus has a right to life that cannot be trumped by the pregnant woman's desire not to have a child, pro-choice advocates arguing that the pregnant woman has a right to choose for herself whether to continue or terminate a pregnancy. It is questionable whether the two parties actually disagree on rights or not. Presumably, most pro-life advocates would want to endorse the right of women

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Given the evidence of different perspectives in the representation of adulthood by women and men, there is a need for research that elucidates the effects of these differences in marriage, family and work relationships. My research suggests that men and women may speak different languages that they assume are the same, using similar words to encode disparate experiences of self and social relationships. Because these languages share an overlapping moral vocabulary, they contain a propensity for systematic mistranslations, creating misunderstandings which impede communication and limit the potential for cooperation and care in relationships (Gilligan 1993, 173).

Gilligan goes on to say that "at the same time, however, these languages articulate with one another in critical ways" (Gilligan 1993, 173), implying that with an effort to understand the moral and epistemic languages of the other, agreement and resolution may be reached.



to choose how to live their own individual lives, while most pro-choice advocates would not want to deny any human the right to life. The characterisation of the abortion debate, as being fundamentally about competing and irreconcilable rights claims, is then overly simplistic. The abortion debate is not entirely a moral debate: behind the opposing claims of rights to this or that, both parties subscribe to different situational meanings on non-moral issues: what it means to be a woman (whether womanhood necessarily implies motherhood), and what it means to be human (whether a fetus is or is not in fact human, with all of the rights thereto appertaining). The dispute about abortion can then be seen to be not just about claims regarding rights, but to rest on "quite complex relationships between situational meanings, on the one hand, and moral evaluations, on the other" (Moody-Adams 36). If a resolution of the abortion debate is to take place, it will have to be based on a dialogue between the parties that seeks to flesh out the differences in situational meanings they each attribute to the context of abortion. When the parties have come to terms on the related issues, then they can seek a resolution (or least a compromise) on abortion itself.

A relativist subscribes to the notion that we cannot choose between moral values or theories. The pluralist,

however, is not choosing between moral values or theories. The pluralist accepts the existence of potentially conflicting moral values, or theories, but recognises that solutions to moral dilemmas are to be found in considering all of the moral perspectives of those involved, articulating moral concerns in terms acceptable (or at least recognisable) to all, and reaching agreements on how to proceed. To be a pluralist with respect to moral theory is to subscribe to varied moral values, even different moral theories. On Nicholas Rescher's view:

pluralism holds that it is rationally intelligible and acceptable that others can hold positions at variance with one's own. But it does not maintain that a given individual need endorse a plurality of positions—that the fact that others hold a certain position somehow constitutes a reason for doing so oneself (Rescher 89).

The point that I wish to take from Rescher is that the existence of a moral view does not entail that that view is incorrigible, or that it has validity based solely on its existence as a view accepted by others. Moody-Adams argues in a similar fashion:

No practice, and indeed no culture, has overriding moral importance merely because it happens to exist. A critical pluralism leaves open the possibility that careful reflection on an unfamiliar practice or culture may reveal grounds

for rejecting that practice or culture as in some way indefensible (Moody-Adams 211).

However, the pluralism that I endorse does entail that some other's view(s) will have validity and that we ought to accept those views that are valid. The resolution of moral issues will be accomplished by accepting the truth, or insights, of a variety of views.

If one accepts the plurality of valid moral systems and is prepared to engage more than just one system in critical moral reflexion then a common ground for resolving moral disputes may be discerned. If a common moral ground is recognised then it becomes possible to work towards a reasoned resolution of the moral dispute. As Richard Bernstein states, "plurality does not mean that we are limited to being separate individuals [or cultures] with irreducible subjective interests. Rather it means that we seek to discover some common ground to reconcile differences through debate, conversation, and dialogue" (Bernstein 223). The relativist argument misses the mark in insisting that the existence of various systems implies a relativism based on the incommensurability of the systems. The pluralist uses the various moral values or theories in combination to make normative moral judgments.

Imagine Hume, Mill and Kant<sup>20</sup> gathered together in a room, trying to reach an intersubjective moral agreement on some particularly sticky moral problem. Will their respective moral theories, if they adhere to them, keep them from reaching an agreement? Presumably there will be some simple situations in which they can all come to agreement fairly quickly, but it is likely that in difficult cases they will not reach an agreement unless they look beyond the confines of their own theories to consider the merits and moral implications of the other theories. Resolution, if it is achieved, will come from the broader understanding afforded by engagement with the other's theories.

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<sup>20</sup> It is interesting to note that, on Kohlberg's scale of moral development, these three philosophers might be ranked, based on their moral theories (characterised broadly as being based on sentiment, utility and rationality respectively), as Hume-stage 4, Mill-stage 5, Kant-stage 6. My categorisation is based on a remark made by Baier that Hume is stage 3 or 4 (Baier 1995b, 54); for Mill and Kant it is based explicitly on Kohlberg's theory (Tong 1993, Kohlberg 1983).

## **Concluding Postscript: A Note on the Title**

I have argued in this thesis that, in order to give full scope to the range of human moral concerns, we will need to appeal to a plurality of moral values and perspectives. This means that we must move beyond care and justice, to transcend the relatively simplistic characterisations of moral theory provided by the Gilligan-Kohlberg debate, and engage moral perspectives other than our own. Resolutions to moral dilemmas and disputes will require intersubjective (and, where applicable, intercultural) understanding and agreement. Understanding and agreement will not be attainable unless we make an effort to put our selves in the moral (and epistemic) shoes of the other: to recognise the connexions, formed in networks of relationship and mutual concern, between self and other. The relational conception of self developed in Chapter Three implies a need to understand our connexion with others and in turn gain a better understanding of our own moral (and epistemic) perspective, which is not necessarily fully or explicitly known to our selves.

Though I have challenged the universalistic approach to reversibility of moral perspective, I maintain that some form of context-based reversibility is necessary to moral deliberation. What is important in the notion of

reversibility is the implied injunction to put one's self in the other's place, to view the situation from the other's perspective. This is not just to see if your moral maxim holds up from the point of view of the other (or all others), but to take the other's concerns as one's own, if only for the moment, and, in so doing, gain a broader understanding of the moral issues involved in each particular moral dispute.

Before closing the thesis, I should explain both the origin and significance of my thesis title. It happened one evening that I was sitting in a beverage room, discussing the practical difficulties of applying a universalistic conception of reversibility to everyday moral concerns, specifically in relation to Kant, Habermas and Kohlberg. At an adjacent table, not quite audible over the din of songs on the P.A. system, there was an argument taking place between a man and a woman. In the sudden silence of a break between songs, I could not help but overhear the woman exclaim to the man, "Hey! Put your self in my shoes for a minute, will you?" I was immediately struck by the relevance of this statement to my own conversation, indeed, to my thesis as a whole. There it was, an appeal by one woman to one man, a request for understanding rooted in reversing perspectives. Not the abstract reversibility of Kant's Categorical Imperative, but

a concrete intersubjective request for understanding and recognition. This appeal to reversibility captures the interpersonal nature of moral deliberation, and underscores the idea that reversibility takes place in actual confrontations between particular moral agents, regardless of the moral principles involved. The appeal was to my mind an appeal to co-feeling, a request for a felt connexion and a new understanding that would inform the other's moral perspective, and (hopefully) lead to a resolution of the dispute.

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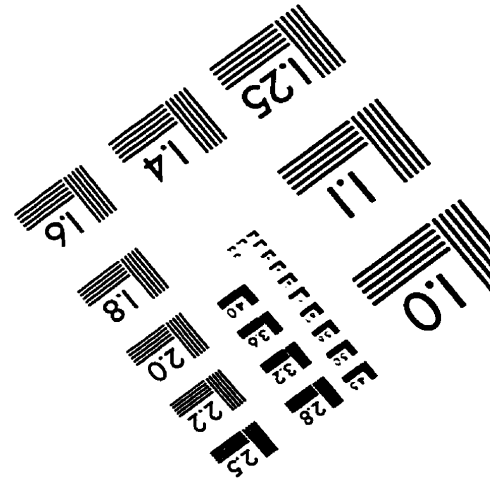
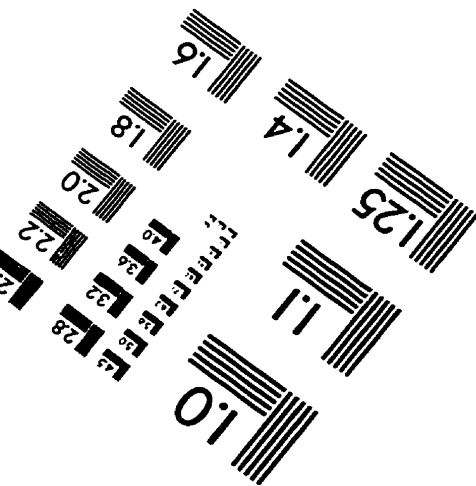
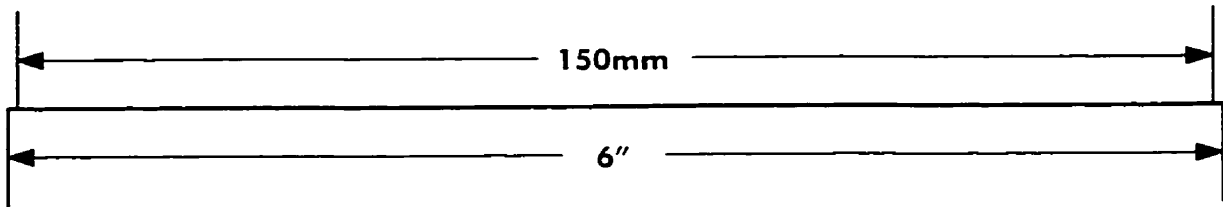
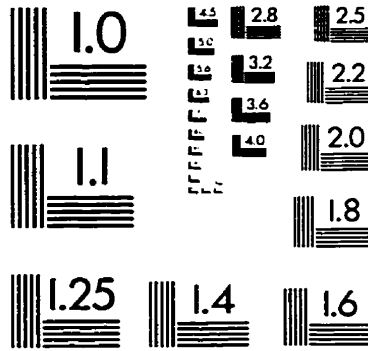
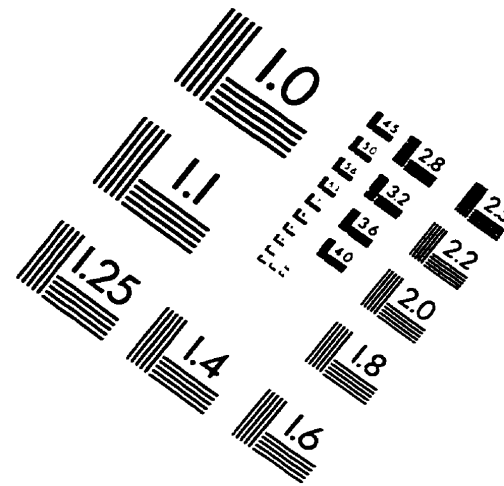
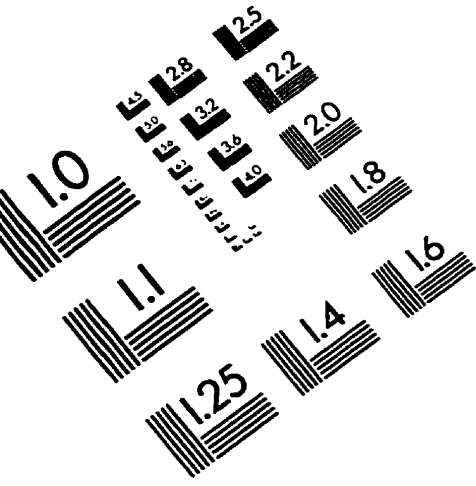
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