

persist beyond a single demonstration. This public is expressed in the idea of a "Rainbow Coalition." Realized to some degree only for sporadic months during the 1983 *Malcolm X* campaign in Boston and the 1984 *Jesse Jackson* campaign in certain cities, this is an idea of a political public which goes beyond the ideal of civic friendship in which persons unite for a common purpose on terms of equality and mutual respect.⁴⁷ While it includes commitment to equality and mutual respect among participants, the idea of the Rainbow Coalition specifically preserves and institutionalizes in its form of organizational discussion the heterogeneous groups that make it up. In this way it is quite unlike the Enlightenment ideal of the civil public (which might have its practical analogue here in the idea of the "united front"). As a general principle, this heterogeneous public asserts that the only way to ensure that public life will not exclude persons and groups which it has excluded in the past is to give specific recognition to the disadvantage of those groups and bring their specific histories into the public.⁴⁸

I have been suggesting that the Enlightenment ideal of the civil public where citizens meet in terms of equality and mutual respect is too rounded and tame an ideal of public. This idea of equal citizenship attains unity because it excludes bodily and affective particularity, as well as the concrete histories of individuals that make groups unable to understand one another. Emancipatory politics should foster a conception of public which in principle excludes no persons, aspects of persons' lives, or topic of discussion and which encourages aesthetic as well as discursive expression. In such a public, consensus and sharing may not always be the goal, but the recognition and appreciation of differences, in the context of confrontation with power.⁴⁹

4

The Generalized and the Concrete Other:

The Kohlberg–Gilligan Controversy and Feminist Theory

Seyla Benhabib

Can there be a feminist contribution to moral philosophy? That is to say, can those men and women who view the gender–sex system of our societies as oppressive, and who regard women's emancipation as essential to human liberation, criticize, analyze and when necessary replace the traditional categories of moral philosophy in order to contribute to women's emancipation and human liberation? By focusing on the controversy generated by Carol Gilligan's work, this chapter seeks to outline such a feminist contribution to moral philosophy.¹

1 The Kohlberg–Gilligan Controversy

Carol Gilligan's research in cognitive, developmental moral psychology recapitulates a pattern made familiar to us by Thomas Kuhn.² Noting a discrepancy between the claims of the original research paradigm and the data, Gilligan and her coworkers first extend this paradigm to accommodate anomalous results. This extension then allows them to see some other problems in a new light; subsequently, the basic paradigm, namely, the study of the development of moral judgement, according to Lawrence Kohlberg's model, is fundamentally revised. Gilligan and her coworkers now maintain that Kohlbergian theory is valid only for measuring the development of one aspect of moral orientation, which focuses on the ethics of justice and rights.

In a 1980 article on "Moral Development in Late Adolescence and Adulthood: A Critique and Reconstruction of Kohlberg's Theory," Murphy

and Gilligan note that moral-judgement data from a longitudinal study of 26 undergraduates scored by Kohlberg's revised manual replicate his original findings that a significant percentage of subjects appear to regress from adolescence to adulthood.³ The persistence of this relativistic regression suggests a need to revise the theory. In this article they propose a distinction between "postconventional formalism" and "postconventional contextualism." While the postconventional type of reasoning solves the problem of relativism by constructing a system that derives a solution to all moral problems from concepts like social contract or natural rights, the second approach finds the solution in that "while no answer may be objectively right in the sense of being context-free, some answers and some ways of thinking are better than others" (*ibid.*, 83). The extension of the original paradigm from postconventional formalist to postconventional contextual then leads Gilligan to see some other discrepancies in the theory in a new light, and most notably among these, women's persistently low score when compared with their male peers. Distinguishing between the ethics of justice and rights and the ethics of care and responsibility allows her to account for women's moral development and the cognitive skills they show in a new way. Women's moral judgement is more contextual, more immersed in the details of relationships and narratives. It shows a greater propensity to take the standpoint of the "particular other," and women appear more adept at revealing feelings of empathy and sympathy required by this. Once these cognitive characteristics are seen not as deficiencies, but as essential components of adult moral reasoning at the postconventional stage, then women's apparent moral confusion of judgement becomes a sign of their strength. Agreeing with Piaget that a developmental theory hangs from its vertex of maturity, "the point towards which progress is traced," a change in "the definition of maturity," writes Gilligan, "does not simply alter the description of the highest stage but recasts the understanding of development, changing the entire account."⁴ The contextuality, narrativity and specificity of women's moral judgement is not a sign of weakness or deficiency, but a manifestation of a vision of moral maturity that views the self as a being immersed in a network of relationships with others. According to this vision, the respect for each other's needs and the mutuality of effort to satisfy them sustain moral growth and development.

When confronted with such a challenge, it is common that adherents of an old research paradigm respond by arguing

- (a) that the data base does not support the conclusions drawn by revisionists;
- (b) that some of the new conclusions can be accommodated by the old theory; and
- (c) that the new and old paradigms have different object domains and are not concerned with explaining the same phenomena after all.

In his response to Gilligan, Kohlberg has followed all three alternatives.

(a) *The Data Base*

In his 1984 "Synopsis and Detailed Replies to Critics," Kohlberg argues that available data on cognitive moral development does not report differences among children and adolescents of both sexes with respect to justice reasoning.⁵ "The only studies," he writes, "showing fairly frequent sex differences are those of adults, usually of spouse housewives. Many of the studies comparing adult males and females without controlling for education and job differences . . . do report sex differences in favor of males" (ibid., 347). Kohlberg maintains that these latter findings are not incompatible with his theory.⁶ For, according to this theory, the attainment of stages four and five depends upon experiences of participation, responsibility and role taking in the secondary institutions of society such as the workplace and government, from which women have been and still are to a large extent excluded. The data, he concludes, does not damage the validity of his theory but shows the necessity for controlling for such factors as education and employment when assessing sex differences in adult moral reasoning.

(b) *Accommodation within the Old Theory*

Kohlberg now agrees with Gilligan that "the acknowledgement of an orientation of care and response usefully enlarges the moral domain" (Kohlberg, "Synopsis," 340). In his view, though, justice and rights, care and responsibility, are not two *tracks* of moral development, but two moral *orientations*. The rights orientation and the care orientation are not bipolar or dichotomous. Rather, the care-and-response orientation is directed primarily to relations of special obligation to family, friends and group members, "relations which often include or presuppose general obligations of respect, fairness and contract" (ibid., 349). Kohlberg resists the conclusion that these differences are strongly "sex related"; instead, he views the choice of orientation "to be primarily a function of setting and dilemma, not sex" (ibid., 350).

(c) *Object Domain of the Two Theories*

In an earlier response to Gilligan, Kohlberg had argued as follows:

Carol Gilligan's ideas, while interesting, were not really welcome to us, for two reasons . . . The latter, we thought, was grist for Jane Loewinger's mill in studying stages of ego development, but not for studying the specifically moral dimension in reasoning . . . Following Piaget, my colleagues and I have had the greatest confidence that reasoning about justice would lend itself to a formal structuralist or rationalist analysis . . . whereas questions about the nature of the "good life" have not been as amenable to this type of statement.⁷

In his 1984 reply to his critics, this distinction between moral and ego development is refined further. Kohlberg divides the ego domain into the cognitive, interpersonal and moral functions (Kohlberg, "Synopsis," 398). Since, however, ego development is a necessary but not sufficient condition for moral development, in his view the latter can be studied independently of the former. In light of this clarification, Kohlberg regards Murphy's and Gilligan's stage of "postconventional contextualism" as one more concerned with questions of ego as opposed to moral development. While not wanting to maintain that the acquisition of moral competencies ends with reaching adulthood, Kohlberg nevertheless insists that adult moral and ego development studies only reveal the presence of "soft" as opposed to "hard" stages. The latter are irreversible in sequence and integrally related to one another in the sense that a subsequent stage grows out of, and presents a better solution to problems confronted at, an earlier stage.⁸

It will be up to latter-day historians of science to decide whether with these admissions and qualifications, Kohlbergian theory has entered the phase of "ad-hocism," in Imre Lakatos's words,⁹ or whether Gilligan's challenge, as well as that of other critics, has moved this research paradigm to a new phase, in which new problems and conceptualizations will lead to more fruitful results.

What concerns me in this chapter is the question: what can feminist theory contribute to this debate? Since Kohlberg himself regards an interaction between normative philosophy and the empirical study of moral development as essential to his theory, the insights of contemporary feminist theory and philosophy can be brought to bear upon some aspects of his theory. I want to define two premises as constituents of feminist theorizing. First, for feminist theory the gender-sex system is not a contingent but an essential way in which social reality is organized, symbolically divided and lived through experientially. By the "gender-sex" system I understand the social-historical, symbolic constitution, and interpretation of the anatomical differences of the sexes. The gender-sex system is the grid through which the self develops an embodied identity, a certain mode of being in one's body and of living the body. The self becomes an I in that it appropriates from the human community a mode of psychically, socially and symbolically experiencing its bodily identity. The gender-sex system is the grid through which societies and cultures reproduce embodied individuals.¹⁰

Second, the historically known gender-sex systems have contributed to the oppression and exploitation of women. The task of feminist critical theory is to uncover this fact, and to develop a theory that is emancipatory and reflective, and which can aid women in their struggles to overcome oppression and exploitation. Feminist theory can contribute to this task in two ways: by developing an *explanatory-diagnostic analysis* of women's oppression across history, culture and societies, and by articulating an

anticipatory-utopian critique of the norms and values of our current society and culture, such as to project new modes of togetherness, of relating to ourselves and to nature in the future. Whereas the first aspect of feminist theory requires critical, social-scientific research, the second is primarily normative and philosophical: it involves the clarification of moral and political principles, both at the metaethical level with respect to their *logic of justification* and at the substantive, normative level with reference to their concrete content.¹¹

In this chapter I shall be concerned with articulating such an anticipatory-utopian critique of universalistic moral theories from a feminist perspective. I want to argue that the *definition* of the moral domain, as well as the ideal of *moral autonomy*, not only in Kohlberg's theory but in universalistic, contractarian theories from Hobbes to Rawls, lead to a *privatization* of women's experience and to the *exclusion* of its consideration from a moral point of view (part 2). In this tradition, the moral self is viewed as a *disembodied* and *disembodied* being. This conception of the self reflects aspects of male experience; the "relevant other" in this theory is never the sister but always the brother. This vision of the self, I want to claim, is incompatible with the very criteria of reversibility and universalizability advocated by defenders of universalism. A universalistic moral theory restricted to the standpoint of the "generalized other" falls into *epistemic incoherencies* that jeopardize its claim to adequately fulfill reversibility and universalizability (part 3).

Universalistic moral theories in the Western tradition from Hobbes to Rawls are *substitutionalist*, in the sense that the universalism they defend is defined surreptitiously by identifying the experiences of a specific group of subjects as the paradigmatic case of the human as such. These subjects are invariably white, male adults who are propertied or at least professional. I want to distinguish *substitutionalist* from *interactive* universalism. Interactive universalism acknowledges the plurality of modes of being human, and differences among humans, without endorsing all these pluralities and differences as morally and politically valid. While agreeing that normative disputes can be settled rationally, and that fairness, reciprocity and some procedure of universalizability are constituents, that is, necessary conditions of the moral standpoint, interactive universalism regards difference as a starting-point for reflection and action. In this sense "universality" is a regulative ideal that does not deny our embodied and embedded identity, but aims at developing moral attitudes and encouraging political transformations that can yield a point of view acceptable to all. Universality is not the ideal consensus of fictitiously defined selves, but the concrete process in politics and morals of the struggle of concrete, embodied selves, striving for autonomy.

2 Justice and the Autonomous Self in Social Contract Theories

Kohlberg defines the privileged object domain of moral philosophy and psychology as follows:

We say that *moral* judgments or principles have the central function of resolving interpersonal or social conflicts, that is, conflicts of claims or rights . . . Thus moral judgments and principles imply a notion of equilibrium, or reversibility of claims. In this sense they ultimately involve some reference to justice, at least insofar as they define "hard" structural stages. (Kohlberg, "Synopsis," 216)

Kohlberg's conception of the moral domain is based upon a strong differentiation between justice and the good life.¹² This is also one of the cornerstones of his critique of Gilligan. Although acknowledging that Gilligan's elucidation of a care-and-responsibility orientation "usefully enlarges the moral domain" (Kohlberg, "Synopsis," 340), Kohlberg defines the domain of *special relationships of obligation* to which care and responsibility are oriented as follows: "the spheres of kinship, love, friendship, and sex that elicit considerations of care are usually understood to be spheres of personal decision-making, as are, for instance, the problems of marriage and divorce" (ibid., 229–30). The care orientation is said thus to concern domains that are more "personal" than "moral in the sense of the formal point of view" (ibid., 360). Questions of the good life, pertaining to the nature of our relationships of kinship, love, friendship and sex, on the one hand, are included in the moral domain but, on the other hand, are named "personal" as opposed to "moral" issues.

Kohlberg proceeds from a definition of morality that begins with Hobbes, in the wake of the dissolution of the Aristotelian-Christian worldview. Ancient and medieval moral systems, by contrast, show the following structure: a definition of man-as-he-ought-to-be, a definition of man-as-he-is, and the articulation of a set of rules or precepts that can lead man as he is into what he ought to be.¹³ In such moral systems, the rules which govern just relations among the human community are embedded in a more encompassing conception of the good life. This good life, the *telos* of man, is defined ontologically with reference to man's place in the cosmos.

The destruction of the ancient and medieval teleological conception of nature through the attack of medieval nominalism and modern science, the emergence of capitalist exchange relations and the subsequent division of the social structure into the economy, the polity, civil associations and the domestic-intimate sphere, radically alter moral theory. Modern theorists claim that the ultimate purposes of nature are unknown. Morality is thus emancipated from cosmology and from an all-encompassing worldview that normatively limits man's relation to nature. The distinction between justice

and the good life, as it is formulated by early contract theorists, aims at defending this privacy and autonomy of the self, first in the religious sphere and then in the scientific and philosophical spheres of "free thought" as well.

Justice alone becomes the center of moral theory when bourgeois individuals in a disenchanted universe face the task of creating the legitimate basis of the social order for themselves. What "ought" to be is now defined as what all would have rationally to agree to in order to ensure civil peace and prosperity (Hobbes, Locke), or the "ought" is derived from the rational form of the moral law alone (Rousseau, Kant). As long as the social bases of cooperation and the rights claims of individuals are respected, the autonomous bourgeois subject can define the good life as his mind and conscience dictate.

The transition to modernity does not only privatize the self's relation to the cosmos and to ultimate questions of religion and being. First with Western modernity the conception of privacy is so enlarged that an intimate domestic-familial sphere is subsumed under it. Relations of "kinship, friendship, love, and sex," indeed, as Kohlberg takes them to be, come to be viewed as spheres of "personal decision-making." At the beginning of modern moral and political theory, however, the "personal" nature of the spheres does not mean the recognition of equal, female autonomy, but rather the removal of gender relations from the sphere of justice. While the bourgeois male celebrates his transition from conventional to postconventional morality, from socially accepted rules of justice to their generation in light of the principles of a social contract, the domestic sphere remains at the conventional level. The sphere of justice from Hobbes through Locke and Kant is regarded as the domain where independent, male heads of household transact with one another, while the domestic-intimate sphere is put beyond the pale of justice and restricted to the reproductive and affective needs of the bourgeois paterfamilias. Agnes Heller has named this domain the "household of the emotions."¹⁴ An entire domain of human activity, namely, nurture, reproduction, love and care, which becomes the woman's lot in the course of the development of modern, bourgeois society, is excluded from moral and political considerations, and relegated to the realm of "nature."

Through a brief historical genealogy of social contract theories, I want to examine the distinction between justice and the good life as it is translated into the split between the public and the domestic. This analysis will also allow us to see the implicit ideal of autonomy cherished by this tradition.

At the beginning of modern moral and political philosophy stands a powerful metaphor: the "state of nature." This metaphor is at times said to be fact. Thus, in his *Second Treatise of Civil Government*, John Locke reminds us of "the two men in the desert island, mentioned by Garcilasso de la Vega . . . or a Swiss and an Indian, in the woods of America."¹⁵ At other times it is acknowledged as fiction. Thus, Kant dismisses the colorful reveries of his predecessors and transforms the "state of nature" from an empirical fact into

a transcendental concept. The state of nature comes to represent the idea of *Privatrecht*, under which are subsumed the right of property and "thinglike rights of a personal nature" ("*auf dingliche Natur persönliche Rechte*"), which the male head of a household exercises over his wife, children and servants.¹⁶ Only Thomas Hobbes compounds fact and fiction, and against those who consider it strange "that Nature should thus dissociate, and render men apt to invade, and destroy one another,"¹⁷ he asks each man who does not trust "this Inference, made from the passions," to reflect why "when taking a journey, he arms himself, and seeks to go well accompanied; when going to sleep, he lockes his dores; when even in his house he lockes his chests . . . Does he not there as much accuse mankind by his actions, as I do by my words?" (Hobbes, *Leviathan*, 187). The state of nature is the looking glass of these early bourgeois thinkers in which they and their societies are magnified, purified and reflected in their original, naked verity. The state of nature is both nightmare (Hobbes) and utopia (Rousseau). In it the bourgeois male recognizes his flaws, fears and anxieties, as well as dreams.

The varying content of this metaphor is less significant than its simple and profound message: in the beginning man was alone. Again it is Hobbes who gives this thought its clearest formulation. "Let us consider men . . . as if but even now sprung out of the earth, and suddenly, like mushrooms, come to full maturity, without all kind of engagement to each other."¹⁸ This vision of men as mushrooms is an ultimate picture of autonomy. The female, the mother of whom every individual is born, is now replaced by the earth. The denial of being born of woman frees the male ego from the most natural and basic bond of dependence. Nor is the picture very different for Rousseau's noble savage who, wandering wantonly through the woods, occasionally mates with a female and then seeks rest.¹⁹

The state-of-nature metaphor provides a vision of the autonomous self: this is a narcissist who sees the world in his own image; who has no awareness of the limits of his own desires and passions; and who cannot see himself through the eyes of another. The narcissism of this sovereign self is destroyed by the presence of the other. As Hegel expresses it:

Self-consciousness is faced by another self-consciousness; it has come out of itself. This has a twofold significance: first, it has lost itself, for it finds itself as an other being; secondly, in doing so it has superseded the other, for it does not see the other as an essential being, but in the other sees its own self.²⁰

The story of the autonomous male ego is the saga of this initial sense of loss in confrontation with the other, and the gradual recovery from this original narcissistic wound through the sobering experience of war, fear, domination, anxiety and death. The last installment in this drama is the social contract: the establishment of the law to govern all. Having been thrust out of their narcissistic universe into a world of insecurity by their sibling brothers, these

individuals have to reestablish the authority of the father in the image of the law. The early bourgeois individual not only has no mother but no father as well; rather, he strives to reconstitute the father in his own self-image. What is usually celebrated in the annals of modern moral and political theory as the dawn of liberty is precisely this destruction of political patriarchy in bourgeois society.

The constitution of political authority civilizes sibling rivalry by turning their attention from war to property, from vanity to science, from conquest to luxury. The original narcissism is not transformed; only now ego boundaries are clearly defined. The law reduces insecurity, the fear of being engulfed by the other, by defining mine and thine. Jealousy is not eliminated but tamed; as long as each can keep what is his and attain more by fair rules of the game, he is entitled to it. Competition is domesticized and channeled towards acquisition. The law contains anxiety by defining rigidly the boundaries between self and other, but the law does not cure anxiety. The anxiety that the other is always on the look to interfere in your space and appropriate what is yours; the anxiety that you will be subordinated to his will; the anxiety that a group of brothers will usurp the law in the name of the "will of all" and destroy "the general will," the will of the absent father, remains. The law teaches how to repress anxiety and to sober narcissism, but the constitution of the self is not altered. The establishment of private rights and duties does not overcome the inner wounds of the self; it only forces them to become less destructive.

This imaginary of early moral and political theory has had an amazing hold upon the modern consciousness. From Freud to Piaget, the relationship to the brother is viewed as the humanizing experience that teaches us to become social, responsible adults.²¹ As a result of the hold of this metaphor upon our imagination, we have also come to inherit a number of philosophical prejudices. For Rawls and Kohlberg, as well, the autonomous self is disembedded and disembodied; moral impartiality is learning to recognize the claims of the other who is just like oneself; fairness is public justice; a public system of rights and duties is the best way to arbitrate conflict, to distribute rewards and to establish claims.

Yet this is a strange world; it is one in which individuals are grown up before they have been born; in which boys are men before they have been children; a world where neither mother, nor sister, nor wife exist. The question is less what Hobbes says about men and women, or what Rousseau sees the role of Sophie to be in Emile's education. The point is that in this universe, the experience of the early modern female has no place. Woman is simply what men are not; namely, they are not autonomous, independent, but by the same token, nonaggressive but nurturant, not competitive but giving, not public but private. The world of the female is constituted by a series of negations. She is simply what he happens not to be. Her identity becomes defined by a lack – the lack of autonomy, the lack of independence,

the lack of the phallus. The narcissistic male takes her to be just like himself, only his opposite.

It is not the misogynist prejudices of early modern moral and political theory alone that lead to women's exclusion. It is the very constitution of a sphere of discourse which bans the female from history to the realm of nature, from the light of the public to the interior of the household, from the civilizing effect of culture to the repetitious burden of nurture and reproduction. The public sphere, the sphere of justice, moves into historicity, whereas the private sphere, the sphere of care and intimacy, is unchanging and timeless. It pulls us toward the earth even when we, as Hobbesian mushrooms, strive to pull away from it. The dehistoricization of the private realm signifies that, as the male ego celebrates his passage from nature to culture, from conflict to consensus, women remain in a timeless universe, condemned to repeat the cycles of life.

This split between the public sphere of justice, in which history is made, and the atemporal realm of the household, in which life is reproduced, is internalized by the male ego. The dichotomies are not only without but within. He himself is divided into the public person and the private individual. Within his chest clash the law of reason and the inclination of nature, the brilliance of cognition and the obscurity of emotion. Caught between the moral law and the starry heaven above and the earthly body below,²² the autonomous self strives for unity. But the antagonism – between autonomy and nurturance, independence and bonding, sovereignty of the self and relations to others – remains. In the discourse of modern moral and political theory, these dichotomies are reified as being essential to the constitution of the self. While men humanize outer nature through labor, inner nature remains ahistorical, dark and obscure. I want to suggest that contemporary universalist moral theory has inherited this dichotomy between autonomy and nurturance, independence and bonding, the sphere of justice and the domestic, personal realm. This becomes most visible in its attempt to restrict the moral point of view to the perspective of the "generalized other."

3 The Generalized vs. the Concrete Order

Let me describe two conceptions of self-other relations that delineate both moral perspectives and interactional structures. I shall name the first the standpoint of the "generalized"²³ and the second that of the "concrete" other. In contemporary moral theory these conceptions are viewed as incompatible, even as antagonistic. These two perspectives reflect the dichotomies and splits of early modern moral and political theory between autonomy and nurturance, independence and bonding, the public and the domestic, and more broadly, between justice and the good life. The content

of the generalized as well as the concrete other is shaped by this dichotomous characterization, which we have inherited from the modern tradition.

The standpoint of the generalized other requires us to view each and every individual as a rational being entitled to the same rights and duties we would want to ascribe to ourselves. In assuming the standpoint, we abstract from the individuality and concrete identity of the other. We assume that the other, like ourselves, is a being who has concrete needs, desires and affects, but that what constitutes his or her moral dignity is not what differentiates us from each other, but rather what we, as speaking and acting rational agents, have in common. Our relation to the other is governed by the norms of *formal equality* and *reciprocity*: each is entitled to expect and to assume from us what we can expect and assume from him or her. The norms of our interactions are primarily public and institutional ones. If I have a right to X, then you have the duty not to hinder me from enjoying X and conversely. In treating you in accordance with these norms, I confirm in your person the rights of humanity and I have a legitimate claim to expect that you will do the same in relation to me. The moral categories that accompany such interactions are those of right, obligation and entitlement, and the corresponding moral feelings are those of respect, duty, worthiness and dignity.

The standpoint of the concrete other, by contrast, requires us to view each and every rational being as an individual with a concrete history, identity and affective-emotional constitution. In assuming this standpoint, we abstract from what constitutes our commonality. We seek to comprehend the needs of the other, his or her motivations, what s/he searches for, and what s/he desires. Our relation to the other is governed by the norms of *equity* and *complementary reciprocity*: each is entitled to expect and to assume from the other forms of behavior through which the other feels recognized and confirmed as a concrete, individual being with specific needs, talents and capacities. Our differences in this case complement rather than exclude one another. The norms of our interaction are usually private, noninstitutional ones. They are norms of friendship, love and care. These norms require in various ways that I exhibit more than the simple assertion of my rights and duties in the face of your needs. In treating you in accordance with the norms of friendship, love and care, I confirm not only your *humanity* but your human *individuality*. The moral categories that accompany such interactions are those of responsibility, bonding and sharing. The corresponding moral feelings are those of love, care and sympathy and solidarity.

In contemporary universalist moral psychology and moral theory, it is the viewpoint of the "generalized other" that predominates. In his article on "Justice as Reversibility: The Claim to Moral Adequacy of a Highest Stage of Moral Development," for example, Kohlberg argues that:

[M]oral judgments involve role-taking, taking the viewpoint of the others conceived as *subjects* and coordinating these viewpoints . . . Second, equilibrated

moral judgments involve principles of justice or fairness. A moral situation in disequilibrium is one in which there are unresolved, conflicting claims. A resolution of the situation is one in which each is "given his due" according to some principle of justice that can be recognized as fair by all the conflicting parties involved.²⁴

Kohlberg regards Rawls's concept of "reflective equilibrium" as a parallel formulation of the basic idea of reciprocity, equality and fairness intrinsic to all moral judgements. The Rawlsian "veil of ignorance," in Kohlberg's judgement, not only exemplifies the formalist idea of universalizability but that of perfect *reversibility* as well.²⁵ The idea behind the veil of ignorance is described as follows: "The decider is to initially decide from a point of view that ignores his identity (veil of ignorance) under the assumption that decisions are governed by maximizing values from a viewpoint of rational egoism in considering each party's interest" (Kohlberg, "Justice as Reversibility," 200; my emphasis).

What I would like to question is the assumption that "taking the viewpoint of others" is truly compatible with this notion of fairness as reasoning behind a "veil of ignorance."²⁶ The problem is that the defensible kernel of the ideas of reciprocity and fairness are thereby identified with the perspective of the disembodied and disembodied generalized other. Now since Kohlberg presents his research subjects with hypothetically constructed moral dilemmas, it may be thought that his conception of "taking the standpoint of the other" is not subject to the epistemic restrictions that apply to the Rawlsian original position. Subjects in Kohlbergian interviews do not stand behind a veil of ignorance. However, the very *language* in which Kohlbergian dilemmas are presented incorporates these epistemic restrictions. For example, in the famous Heinz dilemma, as in others, the motivations of the druggist as a concrete individual, as well as the history of the individuals involved, are excluded as irrelevant to the definition of the moral problem at hand. In these dilemmas, individuals and their moral positions are represented by abstracting from the narrative history of the self and its motivations. Gilligan also notes that the implicit moral epistemology of Kohlbergian dilemmas frustrates women, who want to phrase these hypothetical dilemmas in a more contextual voice, attuned to the standpoint of the concrete other. The result is that

though several of the women in the abortion study clearly articulate a postconventional metaethical position, none of them are considered principled in their normative moral judgments of Kohlberg's hypothetical dilemmas. Instead, the women's judgments point toward an identification of the violence inherent in the dilemma itself, which is seen to compromise the justice of any of its possible resolutions (Gilligan, *In a Different Voice*, 101).

Through an immanent critique of the theories of Kohlberg and Rawls, I want to show that ignoring the standpoint of the concrete other leads to

epistemic incoherence in universalistic moral theories. The problem can be stated as follows: according to Kohlberg and Rawls, moral reciprocity involves the capacity to take the standpoint of the other, to put oneself imaginatively in the place of the other, but under conditions of the "veil of ignorance," the *other as different from the self*, disappears. Unlike in previous contract theories, in this case the other is not constituted through projection, but as a consequence of total abstraction from his or her identity. Differences are not denied; they become irrelevant. The Rawlsian self does not know

his place in society, his class position or status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism.²⁷

Let us ignore for a moment whether such selves who also do not know "the particular circumstances of their own society" can know anything at all that is relevant to the human condition, and ask instead, are these individuals *human selves* at all? In his attempt to do justice to Kant's conception of noumenal agency, Rawls recapitulates a basic problem with the Kantian conception of the self, namely, that noumenal selves cannot be *individuated*. If all that belongs to them as embodied, affective, suffering creatures, their memory and history, their ties and relations to others, are to be subsumed under the phenomenal realm, then what we are left with is an empty mask that is everyone and no one. Michael Sandel points out that the difficulty in Rawls's conception derives from his attempt to be consistent with the Kantian concept of the autonomous self, as a being freely choosing his or her own ends in life.²⁸ However, this moral and political concept of autonomy slips into a metaphysics according to which it is meaningful to define a self independently of *all* the ends it may choose and all and any conceptions of the good it may hold (Sandel, *Liberalism and the Limits of Justice*, 47ff.). At this point we must ask whether the *identity* of any human self can be defined with reference to its capacity for agency alone. Identity does not refer to my potential for choice alone, but to the actuality of my choices, namely, to how I as a finite, concrete, embodied individual, shape and fashion the circumstances of my birth and family, linguistic, cultural and gender identity into a coherent narrative that stands as my life's story. Indeed, if we recall that every autonomous being is one born of others and not, as Rawls, following Hobbes, assumes, a being "not bound by prior moral ties to another,"²⁹ the question becomes: how does this finite, embodied creature constitute into a coherent narrative those episodes of choice and limit, agency and suffering, initiative and dependence? The self is not a thing, a substrate, but the protagonist of a life's tale. The conception of selves who can be individuated prior to their moral ends is incoherent. We could not know if such a being was a human self, an angel, or the Holy Spirit.

If this concept of the self as mushroom, behind a veil of ignorance, is incoherent, then it follows that there is no real *plurality* of perspectives in the Rawlsian original position, but only a *definitional identity*. For Rawls, as Sandel observes, "our individuating characteristics are given empirically, by the distinctive concatenation of wants and desires, aims and attributes, purposes and ends that come to characterize human beings in their particularity" (Sandel, *Liberalism*, 51). But how are we supposed to know what these wants and desires are independently of knowing something about the person who holds these wants, desires, aims and attributes? Is there perhaps an "essence" of anger that is the same for each angry individual; an essence of ambition that is distinct from ambitious selves? I fail to see how individuating characteristics can be ascribed to a transcendental self who can have any and none of these, who can be all or none of them.

If selves who are epistemologically and metaphysically prior to their individuating characteristics, as Rawls takes them to be, cannot be human selves at all; if, therefore, there is no human *plurality* behind the veil of ignorance but only *definitional identity*, then this has consequences for criteria of reversibility and universalizability said to be constituents of the moral point of view. Definitional identity leads to *incomplete reversibility*, for the primary requisite of reversibility, namely, a coherent distinction between me and you, the self and the other, cannot be sustained under these circumstances. Under conditions of the veil of ignorance, the other disappears.

It is no longer plausible to maintain that such a standpoint can universalize adequately. Kohlberg views the veil of ignorance not only as exemplifying reversibility but universalizability as well. This is the idea that "we must be willing to live with our judgment or decision when we trade places with others in the situation being judged" (Kohlberg, "Justice as Reversibility," 197). But the question is, *which* situation? Can moral situations be individuated independently of our knowledge of the agents involved in these situations, of their histories, attitudes, characters and desires? Can I describe a situation as one of arrogance or hurt pride without knowing something about you as a concrete other? Can I know how to distinguish between a breach of confidence and a harmless slip of the tongue, without knowing your history and your character? Moral situations, like moral emotions and attitudes, can only be individuated if they are evaluated in light of our knowledge of the history of the agents involved in them.

While every procedure of universalizability presupposes that "like cases ought to be treated alike" or that I should act in such a way I should also be willing that all others in a like situation act like me, the most difficult aspect of any such procedure is to know what constitutes a "like" situation or what it would mean for another to be exactly in a situation like mine. Such a process of reasoning, to be at all viable, must involve the viewpoint of the concrete other, for situations, to paraphrase Stanley Cavell, do not come like

"envelopes and golden finches," ready for definition and description, "nor like apples ripe for grading."³⁰ When we morally disagree, for example, we do not only disagree about the principles involved; very often we disagree because what I see as a lack of generosity on your part you construe as your legitimate right not to do something; we disagree because what you see as jealousy on my part I view as my desire to have more of your attention. Universalistic moral theory neglects such everyday, interactional morality and assumes that the public standpoint of justice, and our quasi-public personalities as right-bearing individuals, are the center of moral theory.³¹

Kohlberg emphasizes the dimension of ideal role-taking or taking the viewpoint of the other in moral judgement. Because he defines the other as the generalized other, however, he perpetuates one of the fundamental errors of Kantian moral theory. Kant's error was to assume that I, as a pure rational agent reasoning for myself, could reach a conclusion that would be acceptable for all at all times and places.³² In Kantian moral theory, moral agents are like geometers in different rooms who, reasoning alone for themselves, all arrive at the same solution to a problem. Following Habermas, I want to name this the "monological" model of moral reasoning. In so far as he interprets ideal role-taking in the light of Rawls's concept of a "veil of ignorance," Kohlberg as well sees the silent thought process of a single self who imaginatively puts himself in the position of the other as the most adequate form of moral judgement.

I conclude that a definition of the self that is restricted to the standpoint of the generalized other becomes incoherent and cannot individuate among selves. Without assuming the standpoint of the concrete other, no coherent universalizability test can be carried out, for we lack the necessary epistemic information to judge my moral situation to be "like" or "unlike" yours.

4 A Communicative Ethic of Need Interpretations and the Relational Self

In the preceding parts of this chapter I have argued that the distinction between justice and the good life, the restriction of the moral domain to questions of justice, as well as the ideal of moral autonomy in these theories, result in the privatization of women's experience and lead to epistemological blindness toward the concrete other. The consequence of such epistemological blindness is an internal inconsistency in universalistic moral theories, in so far as these define "taking the standpoint of the other" as essential to the moral point of view. My aim has been to take universalistic moral theories at their word and to show through an immanent critique, first of the "state of nature" metaphor and then of the "original position," that the conception of the autonomous self implied by these thought experiments is restricted to the "generalized other."

This distinction between the generalized and the concrete other raises questions in moral and political theory. It may be asked whether, without the standpoint of the generalized other, it would be possible to define a moral point of view at all. Since our identities as concrete others are what distinguish us from each other according to gender, race, class, cultural differentials, as well as psychic and natural abilities, would a moral theory restricted to the standpoint of the concrete other not be a racist, sexist, cultural relativist, discriminatory one? Furthermore, without the standpoint of the generalized other, it may be argued, a political theory of justice suited for modern, complex societies is unthinkable. Certainly rights must be an essential component in any such theory. Finally, the perspective of the "concrete other" defines our relations as private, noninstitutional ones, concerned with love, care, friendship and intimacy. Are these activities so gender-specific? Are we not all "concrete others"?

The distinction between the "generalized" and the "concrete other," as drawn in this chapter so far, is not a *prescriptive* but a *critical* one. My goal is not to prescribe a moral and political theory consonant with the concept of the "concrete other." For, indeed, the recognition of the dignity and worthiness of the generalized other is a *necessary*, albeit not *sufficient*, condition to define the moral standpoint in modern societies. In this sense, the concrete other is a critical concept that designates the *ideological* limits of universalistic discourse. It signifies the *unthought*, the *unseen*, and the *unheard* in such theories. This is evidenced by Kohlberg's effort, on the one hand, to enlarge the domain of moral theory such as to include in it relations to the concrete other and, on the other hand, to characterize such special relations of obligation as "private, personal" matters of evaluative life-choices alone. Urging an examination of this unthought is necessary to prevent the preemption of the discourse of universality by an unexamined particularity. Substitutionalist universalism dismisses the concrete other, while interactive universalism acknowledges that every generalized other is also a concrete other.

From a metaethical and normative standpoint, I would argue, therefore, for the validity of a moral theory that allows us to recognize the dignity of the generalized other through an acknowledgement of the moral identity of the concrete other. The point is not to juxtapose the generalized to the concrete other or to see normative validity in one or another standpoint. The point is to think through the ideological limitations and biases that arise in the discourse of universalist morality through this unexamined opposition. I doubt that an easy integration of both points of view, of justice and of care, is possible, without first clarifying the moral framework that would allow us to question both standpoints and their implicit gender presuppositions.

For this task a model of communicative need interpretations suggests itself. Not only is such an ethic, as I interpret it, compatible with the dialogic, interactive generation of universality, but most significant, such an ethic

provides the suitable framework within which moral and political agents can define their own concrete identities on the basis of recognizing each other's dignity as generalized others. Questions of the most desirable and just political organization, as well as the distinction between justice and the good life, the public and the domestic, can be analyzed, renegotiated and redefined in such a process. Since, however, all those affected are participants in this process, the presumption is that these distinctions cannot be drawn in such a way as to privatize, hide and repress the experiences of those who have suffered under them, for only what all could consensually agree to be in the best interest of each could be accepted as the outcome of this dialogic process.

One consequence of this communicative ethic of need interpretations is that the object domain of moral theory is so enlarged that not only rights but needs, not only justice but possible modes of the good life, are moved into an anticipatory-utopian perspective. What such discourses can generate are not only universalistically prescribable norms, but also intimations of otherness in the present that can lead to the future.

In his current formulation of his theory, Kohlberg accepts this extension of his stage six perspective into an ethic of need interpretations, as suggested first by Habermas.³⁴ However, he does not see the incompatibility between the communicative ethics model and the Rawlsian "original position."³⁵ In defining reversibility of perspectives, he still considers the Rawlsian position to be paradigmatic (Kohlberg, "Synopses," 272, 310). Despite certain shared assumptions, the communicative model of need interpretations and the justice model of the original position need to be distinguished from each other.

First, the condition of ideal role-taking is not to be construed as a *hypothetical* thought process, carried out singly by the moral agent or the moral philosopher, but as an *actual* dialogue situation in which moral agents communicate with one another. Second, it is not necessary to place any epistemic constraints upon such an actual process of moral reasoning and disputation, for the more knowledge is available to moral agents about each other, their history, the particulars of their society, its structure and future, the more rational will be the outcome of their deliberations. Practical rationality entails epistemic rationality as well, and more knowledge rather than less contributes to a more rational and informed judgement. To judge rationally is not to judge as if one did not know what one could know, but to judge in light of all available and relevant information. Third, if there are no knowledge restrictions upon such a discursive situation, then it also follows that there is no privileged subject matter of moral disputation. Moral agents are not only limited to reasoning about primary goods which they are assumed to want whatever else they want. Instead, both the *goods* they desire and their *desires* themselves become legitimate topics of moral disputation. Finally, in such moral discourses agents can also change levels of reflexivity,

that is, they can introduce metaconsiderations about the very conditions and constraints under which such dialogue takes place and evaluate their fairness. There is no closure of reflexivity in this model as there is, for example, in the Rawlsian one, which enjoins agents to accept certain rules of the bargaining game prior to the very choice of principles of justice.³⁶ With regard to the Kohlbergian paradigm, this would mean that moral agents can challenge the relevant *definition* of a moral situation, and urge that this very definition itself become the subject matter of moral reasoning and dispute.

A consequence of this model of communicative ethics would be that the language of rights and duties can now be challenged in light of our need interpretations. Following the tradition of modern social contract theories, Rawls and Kohlberg assume that our affective-emotional constitution, the needs and desires in light of which we formulate our rights and claims, are private matters alone. Their theory of the self, and in particular the Rawlsian metaphysics of the moral agent, do not allow them to view the constitution of our inner nature in *relational* terms.

A relational-interactive theory of identity assumes that inner nature, while being unique, is not an immutable given.³⁷ Individual need-interpretations and motives carry within them the traces of those early childhood experiences, phantasies, wishes and desires as well as the self-conscious goals of the person. The grammatical logic of the word "I" reveals the unique structure of ego identity: every subject who uses this concept in relation to herself knows that all other subjects are likewise "I"s. In this respect the self only becomes an I in a community of other selves who are also I's. Every act of self-reference expresses simultaneously the uniqueness and difference of the self as well as the commonality among selves. Discourses about needs and motives unfold in this space created by commonality and uniqueness, generally shared socialization, and the contingency of individual life-histories.

The nonrelational theory of the self, which is privileged in contemporary universalist moral theory, by contrast, removes such need interpretations from the domain of moral discourse. They become "private," nonformalizable, nonanalyzable and amorphous aspects of our conceptions of the good life. I am not suggesting that such conceptions of the good life either *can* or *should* be universalized, but only that our affective-emotional constitution, as well as our concrete history as moral agents, ought to be considered accessible to moral communication, reflection and transformation. Inner nature, no less than the public sphere of justice, has a historical dimension. In it are intertwined the history of the self and the history of the collective. To condemn it to silence is, as Gilligan has suggested, not to hear that other voice in moral theory. I would say more strongly that such discourse continues women's oppression by privatizing their lot and by excluding from moral theory a central sphere of their activities.

As the Second Wave of the Women's Movement both in Europe and the

US has argued, to understand and to combat woman's oppression it is no longer sufficient to demand woman's political and economic emancipation alone; it is also necessary to question those psychosexual relations in the domestic and private spheres within which women's lives unfold, and through which gender identity is reproduced. To explicate woman's oppression it is necessary to uncover the power of those symbols, myths and fantasies that entrap both sexes in the unquestioned world of gender roles. Perhaps one of the most fundamental of these myths and symbols has been the ideal of autonomy conceived in the image of a disembedded and disembodied male ego. This vision of autonomy was and continues to be based upon an implicit politics which defines the domestic, intimate sphere as *ahistorical*, unchanging and immutable, thereby removing it from reflection and discussion.³⁸ Needs, as well as emotions and affects, become merely given properties of individuals, which moral philosophy recoils from examining, on the grounds that it may interfere with the autonomy of the sovereign self. Women, because they have been made the "housekeeper of the emotions" in the modern, bourgeois world, and because they have suffered from the uncomprehended needs and fantasies of the male imagination, which has made them at once into Mother Earth and nagging bitch, the Virgin Mary and the whore, cannot condemn this sphere to silence. What Carol Gilligan has heard are those mutterings, protestations and objections that women, confronted with ways of posing moral dilemmas that seemed alien to them, have voiced. Only if we can understand why their voice has been silenced, and how the dominant ideals of moral autonomy in our culture, as well as the privileged definition of the moral sphere, continue to silence women's voices, do we have a hope of moving to a more integrated vision of ourselves and of our fellow humans as generalized as well as "concrete" others.