5 The Generalized and the Concrete Other

The Kohlberg–Gilligan Controversy and Moral Theory

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 focussing on the controversy generated by Carol Gilligan’s work, this chapter seeks to outline such a feminist contribution to moral philosophy.

1 The Kohlberg–Gilligan Controversy

Carol Gilligan’s research in cognitive, developmental moral psychology recapitulates a pattern made familiar to us by Thomas Kuhn.\(^1\) Noting a discrepancy between the claims of the original research paradigm and the data, Gilligan and her co-workers 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 judgment, according to Lawrence Kohlberg’s model, is fundamentally revised. Gilligan and her co-workers now maintain that Kohlbergian theory is valid only for measuring the development of one aspect of moral orientation, which focusses on 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-judgment data from a longitudinal study of 26 undergraduates scored by Kohlberg’s revised manual replicate his original findings that a significant percent-
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The age of subjects appear to regress from adolescence to adulthood. 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., p. 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 ethical orientation of justice and rights and the ethical orientation 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 judgment 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." The contextuality, narrativity and specificity of women's moral judgment 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 "Synopses 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.4 "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" (p. 347). Kohlberg maintains that these latter findings are not incompatible with his theory.5 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, "Synopses," p. 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" (p. 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" (p. 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.  

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
(“Synopses,” p. 398). Since, however, ego development is a neces-
sary 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” to be more concerned with ques-
tions 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
integ rally 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.  

It will be up to latter-day historians of science to decide whether
with these admissions and qualification, Kohlbergian theory has
entered the phase of “ad-hocism,” in Imre Lakatos’s words, or
whether Gilligan’s challenge, as well as that of other critics, has
moved this research paradigm to a new phase, in which new prob-
lems 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 fem-
inist theory the gender-sex system is not a contingent but an essen-
tial 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.\textsuperscript{9}

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 meta-ethical level with respect to their logic of justification and at the substantive, normative level with reference to their concrete content.\textsuperscript{10}

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 disembedded 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 property 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. ("Synopses," p. 216)

Kohlberg's conception of the moral domain is based upon a strong differentiation between justice and the good life. 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" ("Synopses," p. 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" (pp. 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” (p. 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 world-view. 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. 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 post-conventional 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.” 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.” 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. 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,” 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?” (Leviathan, p. 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." 17 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. 18

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." 19

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 lookout 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 device 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.20
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 con-
flict, 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 not 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 man is
not; namely they are not autonomous, independent, but by the
same token, nonaggressive but nurturant, not competitive but giv-
ning, 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, 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 versus the Concrete Other

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" 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, and focus on individuality. We seek to comprehend the needs of the other, his or her motivations, what she 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, although not exclusively private, non-institutional 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:

moral 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 of 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.\textsuperscript{23}

Kohlberg regards Rawl’s concept of “reflective equilibrium” as a parallel formulation of the basic ideas of reciprocity, equality and fairness intrinsic to all moral judgments. The Rawlsian “veil of ignorance,” in Kohlberg’s judgment, not only exemplifies the formalist idea of universalizability but that of perfect reversibility as well.\textsuperscript{24} 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” (“Justice as Reversibility,” p. 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.”\textsuperscript{25} The problem is that the defensible kernel of the ideas of reciprocity and fairness are thereby identified with the perspective of the disembedded 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*, p. 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 con-
sequence 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 intel-
ligence 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.²⁶

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 auton-
omous self, as a being freely choosing his or her own ends in life.²⁷
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 con-
ceptions of the good it may hold.²⁸ At this point we must ask
whether the identity of any human self can be defined with refer-
ence 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,” the question becomes: how does this finite, embodied creature constitute into a coherent narrative those episodes of choice and limitation, 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.” 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 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.” 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 that 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.” 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.

Kohlberg emphasizes the dimension of ideal role-taking or taking the viewpoint of the other in moral judgment. 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. 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. Insofar 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 judgment.

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 The "Generalized" versus the "Concrete" Other Reconsidered

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 blindess is an internal inconsistency in universalistic moral theories, insofar 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."

The 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 and discriminatory one? Furthermore, without the standpoint of the generalized other, a political theory of justice suited for modern, complex societies is unthinkable. Certainly rights must be an essential component of 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 or political theory consonant with the standpoint of the concrete other. As I have argued throughout part I, my purpose is to develop a universalistic moral theory that defines the "moral point of view" in light of the reversibility of perspectives and an "enlarged mentality." Such a moral theory allows us to recognize the dignity of the generalized other through an acknowledgement of the moral identity of the concrete other. Substitutionalist universalism dismisses the concrete
other behind the facade of a definitional identity of all as rational beings, while interactive universalism acknowledges that every generalized other is also a concrete other.

To highlight this distinction between "substitutionalist" and "interactive" universalisms further, I would like to explore here a number of responses taking issue with my criticisms of the Rawlsian "original position." In an illuminating article entitled "Reason and Feeling in Thinking about Justice," Susan Moller Okin has argued that the frequent criticisms voiced of John Rawls's Theory of Justice by feminist theorists rest on a misunderstanding of the central device of the "original position" in Rawls's theory. Okin proposes an alternative account of this device "which is," she argues, "both consistent with much that he says about it and much more compatible with his own account of moral development. It is this alternative account of what goes on in the original position that leads me to suggest that one is not forced to choose between an ethic of justice and an ethic of sympathy or care, nor between an ethic that emphasizes universality and one that takes account of differences."

Okin has to spend considerable time disentangling the frequent representations of the "original position" by Rawls himself as a "rational choice" model from the alternative account she proposes. In her view it makes no sense to view the original position as a moral device representing the reasoning of "mutually disinterested" individuals pursuing their interests, when these individuals do not even have knowledge about their interests to the extent that these are "distinct and differentiated" from each other. Okin maintains that in effect it is not the image of mutually disinterested maximizers which captures Rawls's meaning but rather that of empathy, benevolence, and equal concern for others as for the self. She writes:

The original position requires that, as moral subjects, we consider the identities, aims and attachments of every other person, however different they may be from ourselves, as of equal concern with our own. If we, who do know who we are, are to think as if we were in the original position, we must develop considerable capacities for empathy and powers of communicating with others about what different human lives are like. But these alone are not enough to maintain in us a sense of justice. Since we know who we are, and what are our particular interests and conceptions of the good, we need as well a great commitment to benevolence; to caring about each and every other as much as about ourselves.

In stressing the aspects of benevolence, caring and empathy as being central to the Rawlsian project, Okin undoubtedly has contributed to a richer understanding of Rawls’s work. One need only
recall the following passage from the section on "The Morality of Principles." "But secondly," writes Rawls,

it is also the case that the sense of justice is continuous with the love of mankind . . . benevolence is at a loss when the many objects of its love oppose one another. The principles of justice are needed to guide it. The difference between the principles of justice and the love of mankind is that the latter is supererogatory, going beyond the moral requirements and not invoking the exemptions which the principles of natural duty and obligation allow. Yet clearly the objects of these two sentiments are closely related, being defined in large part by the same conception of justice. 40

Giving the moral sentiments of care, benevolence and love of mankind their due in Rawls’s theory of justice surely reduces the stark opposition between reason and feeling, justice and care.

Nonetheless, this uncovering of the emotional or affective bases of Rawlsian theory does not meet the criticism of “epistemic incoherence” I have raised in section 3. My point is not that Rawlsian agents are egotistical, but that they are “disembedded” and “disembodied” selves, who are supposed to be able to reason from the standpoint of everyone else behind a “veil of ignorance.” My point is that under the epistemic conditions of the “veil of ignorance” the other as distinct from the self disappears because the relevant criteria for individuating among selves are lacking. Okin herself admits as much when, in considering why Rawlsian selves in the original position cannot be rational interest maximizers, she asks: “But what sense does it make to talk of mutually disinterested individuals pursuing their interests when, to the extent that their interests are distinct and differentiated, they have no knowledge of them?” 41 Selves who do not have knowledge of their distinct interests can also not have adequate information about the interests of relevant others. All they really can know under conditions of the “veil of ignorance” is that it is reasonable to assume that each and every one would have certain very general interests, for example in the securing of a certain standard of material well-being with dignity. Rawls then asks us to imagine what distribution of material goods it would be most rational and reasonable to choose under the circumstances if we did not know who we were, what our talents and abilities, class, gender and race, etc., would be. Instead of thinking from the standpoint of all involved, that is instead of reversing perspectives and asking ourselves “what would it really be like to reason from the standpoint of a black welfare mother?” we are simply asked to think what distribution of material goods would be most rational and reasonable to adopt, if we did know in a general way that our society is such that one may be a black welfare
mother of three children out of wedlock living in a rapidly decaying urban neighborhood. There is no moral injunction in the original position to face the "otherness of the other," one might even say to face their "alterity," their irreducible distinctness and difference from the self. I do not doubt that respect for the other and their individuality is a central guiding concern of the Rawlsian theory; but the problem is that 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." Okin writes: "To think as a person in the original position is not to be a disembodied nobody. This, as critics have rightly pointed out, would be impossible. Rather, it is to think from the point of view of everybody, of every 'concrete other' whom one might turn out to be." Let me dwell on this issue one more time: are there really "concrete others" in the Rawlsian construction of the original position behind a "veil of ignorance?"

The issue is both epistemic and political. Let us begin by recalling that certainly we never are and neither will we ever be in an "original position." This device is intended "to make vivid to ourselves the restrictions that it seems reasonable to impose on arguments for principles of justice, and therefore on these principles themselves." The original position is intended to illustrate the conception of justice as fairness. In this sense, Okin is right that "we, who do know who we are, are to think as if we were in the original position," and did not know who we were. Now how do we know who the others are? The first answer is that of course we bring with us into the original position all the knowledge, information, as well as assumptions and prejudices, we have about "others" given who we previously were in society. The second answer is that this knowledge and these assumptions are then "deactivated," so to speak, behind the "veil of ignorance" so that what we know about "others" is that "we are all similarly situated," and that there is a "symmetry of everyone's relations to each other." Thus on the one hand selves in the "original position" bring with them into this process of imaginary deliberation all the assumptions and prejudices which guide them in everyday life; on the other hand, these assumptions and prejudices are not really "defused," that is confronted, discussed, worked out and worked through in an open dialogue with concrete others, instead they are simply "deactivated," that is placed behind a "veil of ignorance." There is therefore the very real danger that in not making room to confront the "otherness" of the other, the original position, despite all of Rawls's own intentions to the contrary, can leave all our prejudices, misunderstandings and hostilities in society, just as they are, hidden behind a
veil. By contrast, only a moral dialogue that is truly open and reflexive and that does not function with unnecessary epistemic limitations can lead to a mutual understanding of otherness.

Neither the concreteness nor the otherness of the "concrete other" can be known in the absence of the voice of the other. The viewpoint of the concrete other emerges as a distinct one only as a result of self-definition. It is the other who makes us aware both of her concreteness and her otherness.67 Without engagement, confrontation, dialogue and even a "struggle for recognition" in the Hegelian sense, we tend to constitute the otherness of the other by projection and fantasy or ignore it in indifference. I therefore trust much less than Okin (and even Gilligan) the sentiments of empathy and benevolence; for, as Arendt also has noted,68 the capacity for exercising an "enlarged mentality," the ability to take the standpoint of the other into account is not empathy although it is related to it. Empathy means the capacity to "feel with, to feel together." Yet precisely very empathetic individuals may also be the ones lacking an "enlarged mentality," for their empathetic nature may make it difficult for them to draw the boundaries between self and other such that the standpoint of the "concrete other" can emerge. Ironically, I agree here much more with Rawls than with either Okin or Gilligan that "because the objects of benevolence" — and I would add empathy — oppose one another, one needs principles, institutions and procedures to enable articulation of the voice of "others."

There is a certain point in the argumentation of A Theory of Justice when the issue of the "concrete other" returns but is left dangling, without any kind of resolution. Rawls proposes that the second principle should be read such as to imply that "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 considerations of fair equality of opportunity."69 How do we identify the "least disadvantaged" individual in society? This involves Rawls's theory in extremely complex issues of intersubjective utility comparisons, but even more significantly, the moral and political process by which citizens in a democratic polity could learn to identify "the least disadvantaged" is short-circuited. Rawls falls back upon "substitutional" reasoning when in fact he assumes that we can, for purposes of distribution, identify "the expectations of representative men."50 But who are the "least disadvantaged" in our society: the black welfare mother of three? the white Detroit autoworker, father of four, who loses his position after 20 years of work? the divorced suburban housewife whose household is liquidated and who has no skills to enter the workforce? etc. I see no satisfactory resolution to this question within the scope of A Theory of Justice.51
In the final analysis then, my critique of Rawls is a procedural one: I am critical of the construction of the "original position" as an implausibly restricted process of individual deliberation rather than as an open-ended process of collective moral argumentation. As I have argued at many points above, the model of discourse or communicative ethics is to be preferred to this for it institutionalizes an actual dialogue among actual selves who are both "generalized others," considered as equal moral agents, and "concrete others," that is individuals with irreducible differences.

Both the Rawlsian "original position" and the Habermasian model of "discourse ethics" are idealizations intended to make vivid to us the ideal of impartiality or of what it means to assume the moral standpoint. Their differences center around the following points. According to discourse ethics, the moral standpoint is not to be construed primarily as a hypothetical thought process, carried out singly by the moral agent or by the moral philosopher, but rather as an actual dialogue situation in which moral agents communicate with one another. Second, in the discourse model no epistemic restrictions are placed upon moral reasoning and moral 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 involves epistemic rationality as well, and more knowledge rather than less contributes to a more informed and rational judgment. To judge rationally is not to judge as if one did not know what one could know (the effect of hanging the "veil of ignorance"), but to judge in light of all available and relevant information. Third, if there are no knowledge restrictions to be placed upon such an argumentative situation, then it also follows that there is no privileged subject matter of moral disputation. In the discourse model, 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 can become subjects 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 they can evaluate their fairness. There is no closure of reflexivity in this model as there is in the Rawlsian one.

A consequence of this model of communicative or discourse ethics would be that the language of rights can now be challenged in light of our need interpretations, and that the object domain of moral theory is so enlarged that not only issues of justice but questions of the good life as well are moved to the center of discourse. The discourse or communicative model of ethics subverts the dis-
tinction between an ethics of justice and rights and one of care and responsibility, insofar as it moves the limits of moral discourse to the point when visions of the good life underlying conceptions of justice and assumptions about needs and interests sustaining rights claims become visible. We reach here a conclusion already attained at the end of chapter 3, namely the need to reconsider, revise, and perhaps reject the dichotomies between justice versus the good life, interests versus needs, norms versus values upon which the discourse model, upon Habermas's interpretation of it, rests. The following chapter will therefore consider the challenge posed to discourse ethics by Gilligan's work; for certainly what I would like to claim on behalf of this model and the manner in which I want to assimilate Gilligan's insights into it are not the same as what Habermas himself has written in response to Gilligan's work. Ironically, what I claim to be the virtues of the discourse model when compared to the Rawlsian one Habermas diffuses and retracts when, much like Lawrence Kohlberg, he proceeds to distinguish sharply between moral and ego development, justice versus the good life, norms versus values, needs versus interests. However, it is Carol Gilligan's lasting contribution to moral theory and moral psychology that she has made us aware of the implicit models of selfhood, autonomy, impartiality and justice sustained and privileged by such dichotomous reasoning. The ideal of autonomy in universalistic moral theories from the social contract tradition down to Rawls's and Kohlberg's work is based upon an implicit politics which defines the "personal," in the sense of the intimate/domestic sphere, 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. What Carol Gilligan has heard are those mutterings, protestations and objections voiced by women who were confronted with ways of posing moral dilemmas that seemed alien to them and who were faced with visions of selfhood which left them cold. Only if we can understand why this voice has been so marginalized in moral theory, 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 for moving to a more integrated vision of ourselves and of our fellow humans as generalized as well as "concrete others."
Notes

Earlier versions of this chapter were read at the conference on Women and Morality, State University of New York at Stony Brook, 22–4 March, 1985, and at the Philosophy and Social Science course at the Inter-University Center in Dubrovnik, Yugoslavia, 2–4 April, 1985. I would like to thank participants at both conferences for their criticisms and suggestions. Larry Blum and Eva Feder Kittay have made valuable suggestions for corrections. Nancy Fraser’s commentary on this work, “Toward a Discourse Ethic of Solidarity,” Praxis International, 5.4 (Jan. 1986), pp. 425–30, as well as her “Struggle over Needs,” in Unruly Practices (Polity, Cambridge, 1989), have been crucial in helping me articulate the political implications of the position developed here. Versions of this chapter have appeared in the proceedings of the Women and Moral Theory conference, edited by E. F. Kittay and Diana T. Meyers, Women and Moral Theory (Rowman and Littlefield, Totowa, NJ, 1987), pp. 154–78, and in Feminism as Critique, ed. Seyla Benhabib and Drucilla Cornell (University of Minnesota Press, Minneapolis, 1987).

5 There still seems to be some question as to how the data on women’s moral development is to be interpreted. Studies which focus on late adolescents and adult males and which show sex differences, include J. Fishkin, K. Kerinston and C. MacKinnon, “Moral Reasoning and Political Ideology,” Journal of Personality and Social Psychology, 27 (1983), pp. 109–19; N. Haan, J. Block and M. B. Smith, “Moral Reasoning of Young Adults: Political–Social Behavior, Family Background, and Personality Correlates,” Journal of Personality and Social Psychology, 10 (1968), pp. 184–201; C. Holstein, “Irreversible, Stepwise Sequence in the Development of Moral Judgment: A Longitudinal Study of Males and Females,” Child Development, 47 (1976), pp. 51–61. While it is clear that the available evidence does not throw the model of stage-sequence development as such into question, the prevalent presence of sex differences in moral reasoning does raise questions about what exactly this model might be measuring. Norma Haan sums up this objection to the Kohlbergian paradigm as follows: “Thus the moral reasoning of males who live in technical, rationalized societies, who reason at the level of formal operations and who defensively intellectualize and deny interpersonal and situational detail, is especially favored in the Kohlbergian scoring
system,” in “Two Moralities in Action Contexts: Relationships to Thought, Ego Regulation, and Development,” Journal of Personality and Social Psychology, 36 (1978), p. 287; emphasis mine. I think Gilligan’s studies also support the finding that inappropriate “intellectualization and denial of interpersonal, situational detail” constitutes one of the major differences in male and female approaches to moral problems. This is why, as I argue in the text, the neat separation between ego and moral development, as drawn by Kohlberg and Habermas, is inadequate to deal with this problem, since certain ego attitudes—defensiveness, rigidity, inability to empathize, lack of flexibility—do seem to be favored over others like nonrepressive attitudes toward emotions, flexibility, presence of empathy.

6 L. Kohlberg, “A Reply to Owen Flanagan and Some Comments on the Puka–Goodpaster Exchange,” Ethics, 92 (April 1982), p. 316. Cf. also Gertrud Nunner-Winkler, “Two Moralities? A Critical Discussion of an Ethic of Care and Responsibility Versus an Ethics of Rights and Justice,” in Morality, Moral Behavior and Moral Development ed. W. M. Kurtines and J. L. Gewirtz (John Wiley, New York, 1984), p. 355. It is unclear whether the issue is, as Kohlberg and Nunner-Winkler suggest, one of distinguishing between “moral” and “ego” development or whether cognitive-development moral theory does not presuppose a model of ego development which clashes with more psychoanalytically oriented variants. In fact, to combat the charge of “maturationism” or “nativism” in his theory, which would imply that moral stages are a priori givens of the mind unfolding according to their own logic, regardless of the influence of society or environment upon them, Kohlberg argues as follows: “Stages,” he writes, “are equilibrations arising from interaction between the organism (with its structuring tendencies) and the structure of the environment (physical or social). Universal moral stages are as much a function of universal features of social structure (such as institutions of law, family, property) and social interactions in various cultures, as they are products of the general structuring tendencies of the knowing organism” (“A Reply to Owen Flanagan,” p. 521). If this is so, then cognitive-developmental moral theory must also presuppose that there is a dynamic between self and social structure whereby the individual learns, acquires or internalizes the perspectives and sanctions of the social world. But the mechanism of this dynamic may involve learning as well as resistance, internalization as well as projection and fantasy. The issue is less whether moral development and ego development are distinct—they may be distinguished conceptually and yet in the history of the self they are related—but whether the model of ego development presupposed by Kohlberg’s theory is not distortingly cognitivistic in that it ignores the role of affects, resistance, projection, phantasy-and defense mechanisms in socialization processes.


9 Let me explain the status of this premise. I would characterize it as a "second-order research hypothesis" that both guides concrete research in the social sciences and can, in turn, be falsified by them. It is not a statement of faith about the way the world is: the cross-cultural and transhistorical universality of the sex-gender system is an empirical fact. It is also most definitely not a normative proposition about the way the world ought to be. To the contrary, feminism radically challenges the validity of the sex-gender system in organizing societies and cultures, and advocates the emancipation of men and women from the unexamined and oppressive grids of this framework.


11 Although frequently invoked by Kohlberg, Nunner-Winkler and also Habermas, it is still unclear how this distinction is drawn and how it is justified. For example, does the justice/good life distinction correspond to sociological definitions of the public versus the private? If so, what is meant by the "private"? Is women-battering a "private" or a "public" matter? As I have argued in chapter 3 above, the relevant sociological definitions of the private and the public are shifting in our societies, as they have shifted historically. For further discussion, see below pp. 186ff.


20 Sigmund Freud, Moses and Monotheism, trans. Katharine Jones (Random House, New York, 1967), pp. 103ff.; Jean Piaget, The Moral Judgment of the Child, trans. Majorie Gabain (Free Press, New York, 1965), pp. 65ff., cf. the following comment on boys' and girls' games: "The most superficial observation is sufficient to show that in the main the legal sense is far less developed in little girls than in boys. We did not succeed in finding a single collective game played by girls in which there were as many rules and, above all, as fine and consistent an organization and codification of these rules as in the game of marbles examined above" (p. 77).


22 Although the term "generalized other" is borrowed from George Herbert Mead, my definition of it differs from his. Mead defines the "generalized other" as follows: "The organized community or social group which gives the individual his unity of self may be called the 'generalized other.' The attitude of the generalized other is the attitude of the whole community." George Herbert Mead, Mind, Self and Society, From the Standpoint of a Social Behaviorist, ed. and introd. Charles W. Morris (University of Chicago Press, Chicago, 1955), p. 154. Among such communities Mead includes a ball team as well as political clubs, corporations and other more abstract social classes or subgroups such as the class of debtors and the class of creditors (p. 157). Mead himself does not limit the concept of the "generalized other" to what is described in the text. In identifying the "generalized other" with the abstractly defined, legal and juridical subject, contract theorists and Kohlberg depart from Mead. Mead criticizes the social contract tradition precisely for distorting the psychosocial genesis of the individual subject, cf. ibid., p. 233.


24 Whereas all forms of reciprocity involve some conceptions of reversibility these vary in degree: reciprocity can be restricted to the reversibility of actions but not of moral perspectives, to behavioral role models but not to the principles which underlie the generation of such behavioral expectations. For Kohlberg, the "veil of ignorance" is a model of perfect reversibility, for it elaborates the procedure of "ideal role-taking" or "moral musical chairs" where the decider "is to successively put himself imaginatively in the place of each other actor and consider the claims each would make from his point of view" (Kohlberg, "Justice as Reversibility," p. 199). My question is: are there any real "others" behind the "veil of ignorance" or are they indistinguishable from the self?

25 I find Kohlberg's general claim that the moral point of view entails
reciprocity, equality and fairness unproblematic. Reciprocity is not only a fundamental moral principle, but defines, as Alvin Gouldner has argued, a fundamental social norm, perhaps in fact the very concept of a social norm: "The Norm of Reciprocity: A Preliminary Statement," *American Sociological Review*, 25 (April 1960), pp. 161–78. The existence of ongoing social relations in a human community entails some definition of reciprocity in the actions, expectations and claims of the group. The fulfillment of such reciprocity, according to whatever interpretation is given to it, would then be considered fairness by members of the group. Likewise, members of a group bound by relations of reciprocity and fairness are considered equal. What changes through history and culture are not these formal structures implicit in the very logic of social relations (we can even call them social universals), but the criteria of inclusion and exclusion. Who constitutes the relevant human groups: masters versus slaves, men versus women, Gentiles versus Jews? Similarly, which aspects of human behavior and objects of the world are to be regulated by norms of reciprocity: in the societies studied by Levi-Strauss, some tribes exchange sea shells for women. Finally, in terms of what is the equality among members of a group established: would this be gender, race, merit, virtue, or entitlement? Clearly Kohlberg presupposes a universalist-egalitarian interpretation of reciprocity, fairness and equality, according to which all humans, in virtue of their mere humanity, are to be considered beings entitled to reciprocal rights and duties.


28 Ibid., pp. 47ff.


33 A most suggestive critique of Kohlberg’s neglect of interpersonal morality has been developed by Norma Haan in “Two Moralities in Action Contexts,” pp. 286–305. Haan reports that “formulation of formal morality appears to apply best to special kinds of hypothetical, rule-governed dilemmas, the paradigmatic situation in the minds of philosophers over the centuries” (p. 302). Interpersonal reasoning, by contrast, “arises within the context of moral dialogues between agents who strive to achieve balanced agreement, based on compromises they reach or on their joint discovery of interests they hold in common” (p. 303). For a more extensive statement see also Norma Haan, “An Interactional Morality of Everyday Life,” in *Social Science as Moral Inquiry*, pp. 218–51.

The following sections of this article are new and were not contained in the original version.


Ibid., p. 238.

Ibid., p. 242.

Ibid., p. 246.


In "The Methodological Illusions of Modern Political Theory," I explored some of the difficulties linked with Rawls's understanding of social science. Behind the conditions of the "veil of ignorance" individuals are allowed knowledge of "general social facts" (see Rawls, *A Theory of Justice*, pp. 137ff.). I ask whether one can separate the general and the particular so neatly in social-scientific information as Rawls assumes, and how much in effect one would have to know about society and history even to be able to construct the standpoint of the "least disadvantaged" person in the theory. See Benhabib, "The Methodological Illusions," *Neue Hefte für Philosophie*, 21 (Spring 1982), pp. 47–74. I return to the problem of the "least advantaged person" in Rawls's theory below.


The last two quotes are from Rawls, *A Theory of Justice*, p. 12.

Agreeing with Okin's critique of my objections to the Rawlsian position as stated above, Will Kymlicka has recently written that "The fact that people are asked to reason in abstraction from their own social position, natural talents, and personal preferences when thinking about others does not mean that they must ignore the particular preferences, talents and social position of others... Benhabib assumes that the original position works by requiring contractors to consider the interests of the other contractors (who all become 'generalized others' behind the veil of ignorance)." Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Clarendon, Oxford, 1990), p. 274. Kymlicka points out that behind the veil of ignorance it no longer matters who, if anyone, occupies this position or what its occupant's interests are. Citing Jean Hampton, he concludes that "What matters to him are the desires and goals of every actual member of his society, because the veil forces him to reason as if he were any one of them... Both devices, impartial contractors and ideal sympathizers, work by requiring people to consider concrete others" (ibid.). I have two objections to this argument: First, as I have pointed out in the text, there is an epistemic deficit in the construction of the original position such as would not enable individuals to discover the desires and goals "of every actual member of his society." What we would know about the "actual" others we would only know either by the partial informations we had before we entered the thought-experiment of the "original position" or we would know by assuming that the other is so much like us that we can safely attribute
to her the same concatenation of needs and interests we attribute to ourselves. I believe from a moral point of view neither procedure is very satisfactory, since it allows one to avoid a crucial aspect of the moral experience, namely the recognition of the alterity of the other and the necessity to come to a shared standpoint by taking cognizance of this otherness. Second, the standpoint of the "concrete others" are constructed in the Rawlsian original position via a series of idealizations and attributions. As Rawls has made amply clear in his writings subsequent to A Theory of Justice, his intention was not to proceed from a conception of self based upon strong metaphysical presuppositions, but rather to construct a conception of the "person" as a public-moral agent who has "a rational plan of life in the light of which they schedule their most important endeavors and allocate their various resources (including those of mind and body) so as to pursue their conceptions of the good over a complete life, if not in the most rational, then at least in a sensible (or satisfactory) way." John Rawls, "The Priority of Right and Ideas of the Good," Philosophy and Public Affairs, 19 (1988), p. 254. While these subsequent clarifications have elucidated the "constructivist" rather than metaphysical aspects of Rawls's procedure, I would still maintain that behind the device of the "veil of ignorance" individuals cannot be individuated and thus distinguished from one another and that we are still reasoning from the standpoint of the "generalized" other; the concrete others are in fact only "pseudo-other" and "pseudo-concrete." Kymlicka does not accept this conclusion, for he assumes all too readily that the psychology of the "impartial contractor" and the "ideal observer" are plausible. As my discussion of the standpoint of "the least disadvantaged individual" below will indicate, I see difficulties here.

49 Rawls, A Theory of Justice, p. 83.
50 Ibid., p. 70.
51 This whole issue touches upon the difficult problem of intersubjective utility comparisons in economic theory, but even before one gets to that set of comparisons, there is another question which one must face: certainly from the standpoint of policies of distribution, which guide the principles according to which institutions allocate scarce resources, it may be necessary to construct some fiction of the "least disadvantaged individual." Moral theory, however, and particularly a theory of justice for a democratic polity must be concerned with the process of public dialogue through which individuals come to an understanding of the sufferings, miseries and humiliations of those fellow citizens who are quite unlike themselves. Reaching a definition of the "least disadvantaged individual" is very much dependent upon furthering the process of moral and political understanding in an inegalitarian society, still very much divided along class, race and gender lines.