THE 'ETHIC OF CARE': ITS PROMISE AND ITS PROBLEMS

by

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Abstract

The Ethic of Care began as a theory of moral development, but many have accepted it as if it were a normative moral theory, either alone or in conjunction with the Ethic of Justice. This project determines whether or not the Ethic of Care actually can constitute a comprehensive moral theory.

I begin with the history of the development of the Ethic of Care. I then examine the widely-held view that moral relations are freely-chosen contractual agreements occurring between rational equals in order to manage the problem of public competition of interests and to protect individual rights. I suggest that this view of morality, its associated moral theory, the Ethic of Justice, and its criterion of impartiality do not represent the totality of moral experience and they mandate unpalatable outcomes in some private moral situations.

As a result, I contend that the impartiality requirement should not be a criterion for judging the adequacy of a theory governing personal (private) moral relations. I suggest a list of appropriate criteria and compare the Ethic of Care with the list in order to determine whether it can act as a theory governing this realm. I argue that the Ethic of Care is a theory of personal morality, that the Ethic of Justice is a theory of impersonal morality, and that the quest for a comprehensive moral theory that accounts for the totality of moral relations must integrate these two perspectives in a way that overcomes the problem of prioritization. Various integration options from the current philosophical literature are explained and rejected before I provide my own account of how the Ethic of Care and the Ethic of Justice can interact, together providing a comprehensive moral theory capable of guiding action for the entire range of moral relations.
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This project is appreciatively dedicated to:

Randall Craig Fisher

whose love and support
give me strength

Megan Miranda Fisher

who motivates me
to dream and to strive for the future

and

all the family and friends back home
who helped make the realization of this dream possible.
Chapter I

Introduction of the Problem

'The Ethic of Care' is the term given to the method of moral decision making described by Carol Gilligan following her empirical studies into women's moral development. The complete formulation of the Ethic of Care appeared in her 1982 work, *In A Different Voice*. Gilligan was the first explicitly to study women's moral development by looking at women's decision making methodology when faced with actual and hypothetical moral dilemmas. She discovered that women not only have their own stages of moral development, they also utilize a method for moral decision making that is quite different from the decision making procedure identified by the antecedent empirical studies of Lawrence Kohlberg on young male subjects.¹ Kohlberg viewed morality as a set of formal prescriptive principles governing permissible and obligatory behaviour in freely-chosen relationships between rational, self-interested equals who are trying to manage the problem of public competition of interests. Kohlberg's research, which supported his beliefs about morality, also indicated that individuals utilize a primary principle of Justice as equality or fairness² to guide their action choices. Based on his beliefs about morality, which the research appeared to substantiate, Kohlberg claimed that moral development is dependent upon the apprehension and use of the principle of impartiality by decision makers. This ensured that individual principles and action choices were logically applicable to all individuals, making them


²I am choosing to term the normative theory utilizing this specific conception of Justice as equality or fairness "the Ethic of Justice" for the duration of this project.
consistent with choices made from behind a Rawlsian veil of ignorance or from the position of an impartial observer. Gilligan questioned Kohlberg's methodology of using only males as subjects in his studies and giving them only hypothetical dilemmas to consider. She also disagreed with both his view of morality and his ultimate analysis of the data. In particular, Kohlberg held that typically women remain at the third of his six stages of moral development, which some have interpreted as implying female inferiority in moral development and rational and abstract cognitive abilities. Gilligan believed that this inference was unwarranted. Her studies of women's moral decision making indicated that women did not hold the view of morality that Kohlberg espoused. Women viewed moral relations as frequently occurring between individuals in unequal positions of power and/or economic and social status. Further, many of these moral situations and relationships were not freely chosen or explicitly accepted by the individuals engaged in them. These women did not view morality as being a set of rules regulating public competition of interests, as Kohlberg had suggested, but instead viewed it as obligations that the individual has to him- or herself, his or her family, and people in general, to minimize or avoid harm, and to promote, maintain, and safeguard both individual interests and individual relationships. These obligations arose from the fact that all individuals are dependent on others for the promotion of their interests, and, as a result, maintenance of a network of relationships is morally mandated. Formal, abstract principles were not appealed to in moral decision making, Gilligan's study showed. Instead, a contextual and narrative approach which tailored decisions to the specific situation and interests of the individuals involved was used to maintain relationships and avoid or minimize harm for all involved.

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context and filled in missing details during moral consideration and viewed themselves as having a moral obligation to make choices which avoided or minimized harm, promoted and safeguarded individual interests, and maintained relationships, resulted in what Gilligan came to believe was a more realistic and comprehensive account of the development of morality than that suggested by Kohlberg. This significantly different approach to women's moral decision making Gilligan termed 'The Ethic of Care', and it was in terms of the Ethic of Care that Gilligan described her theory of women's moral development. In later writings, Gilligan stated that the Ethic of Care, while constituting a theory of women's moral development, is also used by both men and women in moral decision making as one of two possible ways of viewing problematic situations and deciding what to do. The Ethic of Care and Kohlberg's Ethic of Justice, she claimed, are both equally applicable to moral decision making, functioning as separate 'gestalts' that decision makers switch between as they try to find the most accurate and unproblematic way to characterize the moral situation and to find the action choice that will produce the most desirable results.  

1.1 From Theory of Moral Development to Normative Moral Theory: The Unsubstantiated Leap

As the first empirical study to examine women's moral experiences and methods of decision making, Gilligan's work in identifying and formulating the Ethic of Care has been applauded for making a valuable contribution to morality. The research comprised one of only a handful of empirical studies which, collectively, provided an account of actual, real-life decision making methodologies and substantiated some theoretical claims made by moral philosophers

while questioning others\textsuperscript{6}. This established an empirical foundation on which to ground theoretical discussion. As the only exclusive study of women's moral experiences at that time, the research also filled what many saw as a crucial gap in previous accounts of morality, which focused on male experiences and projected those experiences wholesale onto females without bothering to consider whether doing so was warranted. Gilligan's studies reflected the growing social awareness that a significant number of women's life experiences are different from men's, sometimes vastly different, and as such they deserve acknowledgment and attention in their own right.

During the course of her research, Gilligan began to realize that the women in the studies typically used one system of moral decision making, which she labeled 'the Ethic of Care'. According to this system, which will be elaborated upon at length in chapter III, decision makers view moral conflicts as conflicts of obligations that they owe to themselves, those closest to them, and others who may be affected by their decisions. Women indicated that they believed that their primary moral responsibilities were, first, to avoid or minimize harm and, second, to maintain relationships when doing so did not compromise their first responsibility. Moral decisions were made on a case-by-case basis, with particular attention paid when making the decision to the contextual details of the situation and the relevant personal information about those involved.

Thanks to this inclusion of contextual and personal information in moral decision making, Gilligan believed, and many moral scholars concurred, that the Ethic of Care more adequately represented real-life moral experiences than the Ethic of Justice, which requires that individuals

\textsuperscript{6}For example, the research substantiated the claim made by John Hardwig that people actually making moral decisions view themselves as having special obligations to those with whom they have close, personal relationships; the study also provided information to indicate that morality was not only or even primarily motivated by impartiality and other principles associated with the Ethic of Justice, as Lawrence Kohlberg, John Rawls, and others had claimed. For a full discussion, see chapter III.
rely on generalized, abstract principles for practical action guidance, or insists that they ought to.

This led to complaints that the Ethic of Justice works better in theory than in practice. This disparity between theoretical and ‘real-life’ morality, or ‘thinking about’ and ‘doing’ morality, had been identified and ridiculed by scholars who claimed that morality must reflect real-life moral experiences. Schopenhauer made some particularly scathing remarks about this disparity that are worth repeating here, for they represent the attitudes of many contemporary scholars who reject the Ethic of Justice’s dependence on abstract principles in favour of the Ethic of Care’s concrete, contextual approach:

[Previous attempts to found ethics] are usually unproved assertions drawn from air, and at the same time, like Kant’s foundation itself, artificial subtleties calling for the finest distinctions and resting on the most abstract concepts. There are difficult combinations, heuristic rules, propositions balanced on a needle point, and stilted maxims, from which it is no longer possible to look down on real life.... Thus they are certainly very well adapted for echoing in lecture halls and for giving practice in sagacity and subtleness, but can never produce the appeal that actually exists in everyone to act justly and do good...They cannot form the basis of reproaches of conscience; to try to reduce these to the violation of hairsplitting maxims can only result in making them ridiculous...[True incentives to justice and philanthropy] must be something that requires little reflection and even less abstraction and combination....So long as ethics cannot point to a foundation of this kind, it may carry on its disputations and make a show in the lecture halls, but real life will make it an object of ridicule.7

I and many contemporary scholars concur with Schopenhauer’s assessment of theoretical, formal morality. These scholars have long been dissatisfied with the claim that such moral theories can adequately address the moral problems that arise in close, personal relations, which seem to generate special obligations over and above those owed to people in general. When the Ethic of Care asserted the importance and value of such special obligations and provided empirical evidence that recognition of them signified moral development, these moral philosophers believed

that there were strong reasons to accept the Ethic of Care as a real-life alternative to the Ethic of Justice espoused in the philosophical literature.

However, in their eagerness, some of these proponents have made a perhaps unjustified leap from recognizing that the Ethic of Care as a theory of moral development has valuable contributions to make to moral discourse to the claim that the Ethic of Care can and should be used as a normative moral theory to guide practical action. Without any prior account of the formal basis by which the Ethic of Care is translated from a theory of moral development into a normative moral theory in place, Ruddick explicitly refers to the Ethic of Care as a moral theory, as does Groenhout, who views Gilligan's Ethic of Care as a complete moral theory adequate for practical application in the entire range of moral relations. Even the editors of The Journal of Medicine and Philosophy implicitly accepted the possibility that the Ethic of Care was a normative moral theory, as indicated by their choice of title for the edition devoted to Bioethical applications of the Ethic of Care: "The Chaos of Care and Care Theory". Even more surprising than the fact that some moral philosophers have made this unsubstantiated leap is the fact that this leap was not even questioned until 1998, when it was first explicitly suggested that the Ethic of Care is not a normative moral theory but rather a stance from which to do theory.

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12Little, 1998b, p. 190 & p.204.
This leap from Gilligan’s explication of her theory of moral development to its acceptance as a normative moral theory suitable for practical action guidance is tantamount to building a house without first constructing its foundation. Just as a house built without an adequate foundation is weak and will more readily fall apart when its structural flaws come under stress, the flaws in Gilligan’s account, when it is considered as if it were a normative theory, become readily apparent and undermine, and some believe outright destroy, its ability to function as intended. It is not clear that Gilligan’s (or, for that matter, any) theory of moral development has the capacity to provide adequate, justifiable practical action guidance in moral situations in its original form. Many details need to be worked out first, and many questions asked and answered. As Little points out:

One of the central questions that must be addressed if ethicists are to arbitrate these debates [between proponents and opponents] is, quite simply, what sort of theory or account an ethic of care is meant to be. Confusion remains about whether and how the insights outlined in Gilligan’s work translate into a formal or broad ethical approach. Is the ethic of care meant to supplement or supplant traditional theories?...Is the care orientation meant to offer guidance on action, motive, method or all? Is its value confined to personal encounters, or does it offer lessons applicable to questions of policy?\textsuperscript{13}

These foundational questions must be asked and answered before it is possible to decide whether or not the Ethic of Care can constitute a comprehensive moral theory capable of adequately guiding practical action, because an account of the exact nature of its functioning has never been provided in the philosophical literature. It is entirely possible that the Ethic of Care will be found to be too problematic to constitute a viable moral theory, but it may still have something valuable to contribute to metaethics. Or it may be the case the Ethic of Care can, with certain modifications, provide an account capable of either full or limited practical action guidance. In

the current project I intend to ascertain the Ethic of Care's contribution to practical morality by
specifically determining, through an examination of its theoretical basis in conjunction with the
requirements for moral theory, whether it can constitute a normative moral theory either in its
own right or as a portion thereof.

1.2 The Ethic of Care and Various Integration Options

It may, on first consideration, seem odd that I suggest in the previous section that the
Ethic of Care may constitute a portion of a normative moral theory. In fact, such an option has
been implicitly suggested by the debate in the philosophical literature surrounding the Ethic of
Care's contribution to morality and the attempts made to by-pass or accommodate its inherent
problems.

Positions in the Ethic of Care debate can be grouped into three general 'camps':

1. proponents who believe that Gilligan's formulation is sufficient as it stands to act
   as a comprehensive normative moral theory

2. opponents who claim that the Ethic of Care is too problematic for practical use
   or provides nothing new to morality that isn't already present in accepted
   existing Deontological, Utilitarian or Virtue theories

3. proponents who are cognizant of both the valuable features of the Ethic of Care and
   its inherent problems, and who propose to retain the former and overcome the
   latter by integrating the Ethic of Care with various accepted normative
   theories, most frequently those theories which view justice as being achieved by
   principles supporting equality or fairness (the Ethic of Justice).

In this project I will consider all three positions, and will ultimately reject the first two as incorrect
and will focus on the third for the latter portion of the project. Given the prevalence of attempts
at both comparison and integration of the Ethic of Care with the justice as equality/fairness
perspective in the philosophical literature, I have chosen in this project to contrast the Ethic of
Care exclusively with this perspective, which I term the 'Ethic of Justice'. This is in spite of the
fact that other moral theories may be relevant to or even better suited to comparisons with the Ethic of Care. By excluding Utilitarianism, virtue theories, Ross’ theory of prima facie duties, and the like, I am not claiming that these theories do not have something valuable to contribute to any ultimate judgement regarding the Ethic of Care. Instead, I am choosing to limit the scope of this project to the one theory that prevails in the philosophical literature and against which the Ethic of Care is most often compared, in order to keep the project to a manageable length.

Proponents of integration, from the third camp, believed that certain aspects of the Ethic of Care as Gilligan formulated it, when used as a normative moral theory, result in serious problems and morally unpalatable outcomes, particularly for the women the perspective was viewed as representing. There was a strong concern that without the presence of the Ethic of Justice and its favoured principles, such as equality, impartiality, non-interference or consideration of individual rights, Gilligan’s Ethic of Care allowed nepotism or unfair extra consideration for those with whom we are close and allowed oppression—and even violence—to flourish in personal relations. The Ethic of Care’s concern with maintaining relationships, when viewed in conjunction with ample evidence of abusive relationships in which women and children often suffer, suggests to some critics that the Ethic of Care demands that women must stay in those abusive relationships and accept an unfair burden of care and moral concern, subjugating their personal welfare in order to maintain the relationship. If it really is the case that the Ethic of Care morally mandates actions which promote this kind of harm or potential for harm, then this perspective is clearly unsatisfactory for providing moral guidance. However, proponents still want to retain the other valuable and unproblematic aspects of this perspective. Therefore, the


15 This is, however, an incorrect interpretation of the equal consideration of interests required by the Ethic of Care, and reflects only stage 2 development—see chapter III.
Ethic of Justice is needed to ‘shore up’ the Ethic of Care and provide moral principles and concepts, such as equality of both consideration and distribution of benefits and burdens, and obligatory recognition of individual rights and autonomy, that are intended to avoid the morally unpalatable actions of exploitation and personal harm. There are six alternatives for integration of the Ethic of Care with the Ethic of Justice. The first five come from the philosophical literature, the sixth is my own suggestion:

1. The Ethic of Justice is the primary moral perspective used, with Ethic of Care values such as minimization of harm, maintenance of relationships, and appeal to context included within the perspective.  

2. The Ethic of Care is the primary moral perspective, with Justice values such as impartiality, equal consideration of interests, and non-interference included within the perspective.

3. Values central to both the Ethic of Care and the Ethic of Justice are equally fundamental to morality and equally necessary for conflict resolution. (This is the ‘Equal Footing’ view.)

4. The Ethic of Care and the Ethic of Justice constitute different perspectives from which to view conflicts, both of which can be appropriately utilized but not simultaneously. (This is the ‘Gestalt’ view.)

5. The Ethic of Care and the Ethic of Justice are both part of some greater, overarching theory that is not reducible merely to the integration of the Ethic of

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Care with the Ethic of Justice alone. The details of this view have not yet been discussed in the philosophical literature.20

6. The Ethic of Care and the Ethic of Justice each govern a distinct but related realm of moral relations. Successful integration of both perspectives by utilizing depth of knowledge about the individual that is relevant to the situation under consideration results in a comprehensive normative moral theory capable of adequately governing the entire range of moral relations.21

If I am to answer the fundamental questions that Little suggests above in the course of determining the theoretical basis for the Ethic of Care, then I must also consider which, if any, of these integration options are appropriate for solving the problems identified with this perspective. If the Ethic of Care integrated in some fashion with the Ethic of Justice can solve these problems and provide an adequate, comprehensive moral theory capable of providing justified practical action guidance in all morally problematic situations, then it is possible that the Ethic of Care may constitute a portion of that moral theory.

1.3 Summary of the Current Project

Chapter II begins with an outline of one conception of what a moral theory is. This is followed by a discussion of the most prevalent view regarding the aim of moral theories and the nature of moral relations. This view is that morality pertains almost exclusively to the public realm of society, politics and business, where it governs the relations between strangers and acquaintances by utilizing the principle of Justice to morally mandate a fair, impartial, or merit/effort-based distribution of burdens, duties and benefits in order to promote, maintain and safeguard individual interests. This particular view of the aim of moral theories and the nature of


21My own integration option, discussed at length in chapter VI.
moral relations entails a list of criteria against which potential normative theories are judged. These criteria will be identified and summarized.

Since Kohlberg's research has been viewed as providing empirical evidence to support the prevailing view regarding moral theories, and because the Ethic of Care was developed as part of Gilligan's reply to Kohlberg's research, the rest of chapter II is devoted to an explanation of Kohlberg's theory of moral development. I relate his commitment to the Ethic of Justice—a model of morality which promotes Justice as equality, fairness, or individual rights as the only right ultimate principle of morality—and then I describe the apparent disparity between Kohlberg's underlying beliefs about the nature of morality and the empirical results which lead directly to Gilligan's research and explication of the Ethic of Care.

In chapter III, I provide an account of Gilligan's formation of her theory of women's moral development and the Ethic of Care perspective which arose from her empirical studies, including a discussion of its inherent problems as identified by contemporary scholars. Following this is a brief discussion of the contribution of Nel Noddings' relational version of the Ethic of Care. The second half of chapter III is devoted to the most recent, comprehensive and compelling version of the Ethic of Care, formulated by Grace Clement, which I take to be the paradigmatic account of the perspective for the rest of this project. Clement's revised version attempts to address specific weaknesses in Gilligan's perspective, particularly the apparent rejection of autonomy, the problems of making the Ethic of Care prescriptive, and the inability of this perspective to function adequately in the realm of public morality. I conclude this chapter with a brief summary of the main problems associated with Clement's revised version.

Chapter IV will draw on the Ethic of Justice's account of the aim of moral theories and the nature of moral relations which was introduced in the first portion of chapter II. Chapter IV
begins with a discussion of the significant problems associated with this account, most notably the fact that personal or private morality, relations between intimates that are not contractual, impartial, or motivated primarily by abstract principles, is either given minimal consideration or no consideration at all by proponents of morality as Justice. I will draw upon Hardwig's distinction between impersonal morality, used between strangers, acquaintances and colleagues, and personal morality, used between family and friends, to illustrate the problems associated with the near-exclusive focus on public (or impersonal) morality in the Ethic of Justice. I will explain how each moral realm has its particular focus and criteria which constitute a realistic representation of actual moral relations. This serves to define the framework in which a comprehensive moral theory—one that accounts for the entire realm of moral relations—must be considered. I will consider and reject as inadequate various attempts to include personal morality within impartialist theories, for example, by claiming that partiality in certain relations, like those between parent and child, would be approved by an impartial judge. Such attempts are less than compelling, I contend, because they do not satisfactorily represent all of the situations in which partialistic moral demands may be made from us. This also explains why integration option 1 is unsatisfactory.

Despite growing interest in the ethics of family relations and friendship, there is no complete formal account of personal morality existing in the current philosophical literature.23

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23There are a number of articles in the philosophical literature which discuss family and friend relationships, but they typically do so within the framework of accepted normative theories which are socially-oriented or impersonal. An account of the nature and associated criteria of personal morality as constituting its own distinct (but related) realm is incomplete.
The first half of chapter V tries to remedy this deficiency by providing a plausible general account of this moral realm. I begin by considering what is particularly important to the personal realm, in order to determine the aim of any moral theory associated with this realm and the particular values that decision makers in this realm wish to promote, maintain and safeguard. Identifying these values allows for the compilation of a list of criteria which, when a prospective moral theory is successfully compared with it, will ensure promotion of the morally valuable ends and therefore establish the appropriateness of the theory in question for governing this moral realm. Once the list of criteria is in place, the second half of the chapter is devoted to comparing Clement’s revised Ethic of Care against this list in order to determine whether and to what degree the Ethic of Care meets these necessary requirements. I suggest that the Ethic of Care is particularly well suited to govern the realm of personal morality in a way that the Ethic of Justice is not, because use of the Ethic of Justice in personal moral situations can result in morally unpalatable and even harmful outcomes. I determine that the Ethic of Care does constitute a normative theory for governing personal morality. However, personal morality represents only one part of moral relations and therefore the normative theory which governs it can only be one part of a comprehensive moral theory. The personal approach to morality, and the Ethic of Care in particular, is unsuited for application in public morality, illustrating that personal morality cannot encompass the totality of moral experience. As a result, the Ethic of Care cannot be the primary moral perspective under which values associated with the Ethic of Justice are subsumed, and integration option 2 is ruled out.

Having established in the previous chapters that neither impersonal nor personal morality alone represent the totality of moral experience but that the Ethic of Care and the Ethic of Justice are particularly well-suited to these respective realms, in chapter VI, I show how both...
perspectives can work together to provide a comprehensive moral theory. The problems of
determining how to prioritize principles when both the Ethic of Justice and the Ethic of Care are
put on equal footing will be discussed, proving the inadequacy of integration option 3. This
discussion will also serve to identify the problems with the gestalt view of their interaction,
establishing the inadequacy of integration option 4. I will also discuss why integration option 5,
that both perspectives are part of some greater overarching theory that involves more than simply
the integration of the Ethic of Care with the Ethic of Justice, is unlikely according to Ockham’s
Razor, because this view would lead to a moral theory too complicated for practical action
guidance.

This leads into my own suggestion, integration option 6. There exists a continuum
characterized by the depth of knowledge one has about the individual with whom s/he is engaged
in moral relations. The values associated with the Ethic of Justice are appropriate24 to impersonal
morality, where an impartial code of conduct is necessary between strangers, but become
increasingly less appropriate to the moral relations between individuals as their personal and
intimate knowledge about each other deepens. Most moral relations we experience will fall
somewhere in the middle of the spectrum, and will include elements from both moral perspectives.
Whether the Ethic of Justice or the Ethic of Care is more or less appropriate for guiding action
will be determined by the relationship’s position on the continuum, with deeper knowledge calling
for the Ethic of Care perspective and minimal knowledge (such as between strangers) calling for
the Ethic of Justice. Since the values of the Ethic of Care and its contextual focus make it more
adequate for promoting, maintaining and safeguarding individual welfare than the generalized

24 The term ‘appropriate’ indicates that the moral theory and its associated values are
exclusively able to be used to both guide practical action and to justify the action choices
made.
prescriptions of the Justice perspective, it ‘trumps’ the Ethic of Justice in direct conflicts or in the middle range of the continuum when there is doubt as to which perspective is most appropriate to the situation. Viewed in this way, it is possible to provide a means by which to decide which perspective is most appropriate for a given situation, thereby solving the problem of prioritization associated with the gestalt view and the equal-footing view.

Chapter VII concludes this project with an explicit statement of the revised Ethic of Care’s contribution to morality as both a normative moral theory and a portion of a comprehensive normative moral theory, depending on whether one is discussing only the personal realm of morality or the entire range of moral experiences. I conclude that, on its own, the Ethic of Care constitutes a normative moral theory capable of adequately governing personal relations, but since it is insufficient for governing impersonal relations it does not constitute a comprehensive moral theory. However, the Ethic of Justice, which constitutes a normative moral theory capable of governing impersonal moral relations, suffers from the same problem, since it cannot adequately govern personal relations. Only an appropriate integration of the Ethic of Justice and the Ethic of Care which provides a clear method by which to determine how and when they overlap can account for and provide a prescriptive guideline for action for all types of moral relations, therefore only as part of such an integration may the Ethic of Care be viewed as a necessary but not sufficient part of a comprehensive moral theory. I complete this chapter with a summary of the argument and suggestions for further research.
Chapter II

The Ethic of Justice and Kohlberg’s Theory of Moral Development

The first step in determining whether the Ethic of Care can be translated from a theory of moral development into a normative moral theory would appear to be a straight-forward identification of the criteria integral to moral theories, followed by a comparison of the key features of the Ethic of Care with them to see how compatible they are. Unfortunately, the procedure is more complicated than this, for there exist certain ‘blind spots’ in current attitudes about what a moral theory is and ought to achieve. Comparing the Ethic of Care with a flawed paradigm will only serve to wrongfully exclude the Ethic of Care from consideration as a normative moral theory or portion thereof, a mistake it is important to avoid if there is to be an accurate account of its place in moral theory and contribution to morality.

The present chapter begins by identifying a view of the aim of moral theory and the nature of moral relations as governing primarily social relations, rather than private (personal) relations. This view of what moral theories are and ought to aim at achieving calls for normative theories with specific characteristics that accord with the criteria for assessing theory adequacy. Particularly important for achieving these social aims is the criterion of impartiality, which holds that impartial consideration of interests and distribution of benefits and burdens by moral decision makers is necessary for achievement of social and political liberty as well as justice. I provide a brief summary of both this view and the criteria associated with it before discussing Kohlberg’s six-stage theory of moral development, which relies heavily on this view for its framework. This is followed by a commentary which identifies specific problems with Kohlberg’s conclusions,
problems which led Gilligan to embark on her own empirical studies and the formulation of the Ethic of Care.

2.1 What Is A Moral Theory?

In what follows, I utilize Stanley Clarke’s conception of ‘moral theory’ as a set of statements prescribing what one ought to do to behave morally, as well as a rationale which serves to justify the moral decisions made, requiring coherence between justified judgements across similar contexts. Clarke distinguishes between two senses of ‘moral theory’, a distinction that will prove useful when the concept of two distinct realms of moral relations is introduced in chapter IV. The first he calls the rationalistic conception, which requires that a normative theory meet its prescriptive and justificatory obligations by providing explicit systematized principles which allow for identification of a procedure for deducing the morally correct answer in every case. Typically this is done by objectively and rationally considering the situation and the various decision options, as if one were a disinterested third party or an impartial observer. This allows for the identification of a prescribed course of action that all individuals could rationally apprehend as correct, regardless of their involvement or personal interest in the situation. The second sense of ‘moral theory’ Clarke calls the coherentist or holistic conception, according to which the meaning of any moral principle used to guide action may be less than explicit, even vague, open to interpretation and amendment that allows for the selection of actions which best ‘fit’ with the particular context of the situation. Their adaptive nature causes such principles to fail to result in a determinate rule, such as “in all situations Ax the morally correct thing to do is Wy”, but they do provide a flexibility that more accurately reflects the way ‘real life’ moral

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decisions are made. In real life situations, moral obligations conflict, and the rationalistic conception of moral theories does not provide a means to mediate this conflict, nor do the moral theories themselves. For this reason, moral justification must rely upon something broader than appeal to inflexible but equally-obligatory principles, such as the decision maker’s achieving reflective equilibrium between her moral beliefs, the contextual details of the situation, and the fact that she exists within and is dependent upon a web of relationships that also must be considered. This means that, through considered reflection on all of the relevant contextual details and interests of all involved, the decision maker arrives at a decision that is coherently consistent with the values, expectations and goals of all involved. The decision maker does not ‘step outside of herself’ and the details of the situation in order to make a choice that would be in accordance with that made by a disinterested third party or impartial observer, as is the case in the rationalistic conception of moral theories. Instead, the decision maker remains immersed in the situation while she considers the contextual details of the situation and the relevant interests of all involved as a coherent whole. She then determines, through appeal to principles that are flexible in their weighting and application, the actions that will achieve the outcome that promotes as far as possible the interests of all involved.

2.2 A Socially-Oriented View of the Aim of Moral Theories and the Nature of Moral Relations

The criteria for judging the adequacy of any moral theory to govern moral relations will necessarily reflect underlying assumptions and beliefs about the aim of moral theories, or what it is that these theories strive to achieve, and the nature of moral relations, or how individuals ought to interact and behave in order to achieve the desired aim. As Kohlberg rightly stated: "the adequacy of a moral structure is to be judged primarily in terms of the adequacy of an interlocked
series of assumptions for making moral choice." Hence, the logical place to begin a search for the criteria needed to judge the Ethic of Care is to examine the most pervasive view of the aim of moral theory and the nature of moral relations and from there determine which criteria will help achieve these ends and will, therefore, act as a test for adequacy of potential moral theories.

There is a lengthy history in philosophy of characterizing moral theory as the application of reason toward the question of how people should live and behave toward one another. Ethical behaviour is most often (but not exclusively\textsuperscript{27}) viewed as occurring between rational agents\textsuperscript{28,29} who willfully choose to accept certain restrictions on their actions, as well as the imposition of certain obligations, in order to manage the problem of public competition of individual interests and thereby achieve the benefits of social and political liberty and equality which allow the individual to formulate and pursue his or her life goals. As a result, morality has been thought by many to pertain almost exclusively to the public realm of politics, business, and the professions, where it governs relations between strangers or persons who know each other only casually. This social regulatory function can only be achieved through ignorance of the factual inequality between individuals and the appeal to the ideal of equality, wherein all individuals are treated \textit{as if they were} equal for the purposes of moral consideration. Moral individuals are assumed to be

\begin{thebibliography}{9}
\bibitem{SeeChapterV} See chapter V.
\bibitem{Note27} It should be noted that this view is not part of the Utilitarian theory, but it is particularly relevant to the Ethic of Justice view that is being considered in this project.
\bibitem{Note28} This view refers to individuals capable of and obligated to certain moral behaviours as being moral \textit{agents}. In the current project I purposefully avoid using this term, instead choosing the term \textit{individuals}, specifically because I reject the moral agency view as an inappropriate way to refer to all persons engaged in moral situations and considerations, the reasons for which will become clear in chapters IV and V.
\end{thebibliography}
given equal consideration regarding their basic entitlements or rights, even though they may be unequal in their desert.

Acceptance of this socially-oriented view of the aim of moral theory and the nature of moral relations has deep roots in the philosophical literature. Rousseau, writing in 1762, for example, claimed that social order is a contractual-type convention which serves both as the means to govern a competitive society and as the foundation of all other rights. A moral body is produced when individuals tacitly (or explicitly) accept and adopt a limitation on their actions in return for the creation of a safe social environment in which to pursue their personal interests: "each giving himself to all, gives himself to nobody; and as there is not one associate over whom we do not acquire the same rights which we concede to him over ourselves, we gain the equivalent of all that we lose, and more power to preserve what we have."\(^{30}\)

Kant, writing little more than 25 years later, claimed that 'ethics' pertains to the limits of men's duties to one another and has a largely public or socially-oriented context: "[m]an is a being meant for society" and all individuals have a duty to "use one's moral perfections in social intercourse...to cultivate a disposition of reciprocity."\(^{31}\) The coming together of individuals into a city or state occurs through the individual's hypothetical acceptance of a social contract: "In accordance with the original contract, everyone...has relinquished entirely his wild, lawless freedom in order to find his freedom as such undiminished, in a dependence upon laws...since this dependence arises from his own lawgiving will."\(^{32}\) The laws that individuals accept are the 'laws

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\(^{32}\)Kant, 1993 [1797], p. 127.
of freedom' which serve to determine the individual’s actions through the use of rational, free choice as guided by the individual’s will.\textsuperscript{33} These laws of freedom, also referred to as the ‘laws of reason’, are characterized by duties which are by their nature obligatory in either a positive or negative sense, in that particular actions are either required or forbidden, while “[o]bligation is the necessity of a free action under a categorical imperative [or unconditional command] of reason.”\textsuperscript{34} Freedom from constraint, according to Kant, is the only original right belonging to humans, of which innate equality is an integral part\textsuperscript{35}, and which leads to civil equality, whereby all persons in society are considered as being equally morally bound.\textsuperscript{36}

Somewhat less than 100 years later, Mill showed his support for this view by defining morality as “the rules and precepts for human conduct...secured to all mankind” and stating that “morality is a branch of our reason, not of our sensitive faculty; and [it] must be looked to for the abstract doctrines of morality.”\textsuperscript{37}

In the present, many contemporary moral philosophers, including Rawls and Rachels, concur with this view of morality. Generalizing on the conception of the social contract as characterized by Locke, Rousseau, and Kant, Rawls claims that moral concerns arise in social contexts. Society is a cooperative venture for the mutual advantage of its citizens that is plagued by conflicting individual interests. A set of agreed-upon principles is required to solve this conflict, providing a socially-acceptable method by which to assign rights, duties, benefits and

\textsuperscript{33}Ibid, p. 42.
\textsuperscript{34}Ibid, pp. 47-49.
\textsuperscript{35}Ibid, p. 63.
\textsuperscript{36}Ibid, p. 125.
burdens in such a way as to mediate conflicts between individuals in various social arrangements and thereby achieve a well-ordered society. "These are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association." The principles of social justice, or justice as fairness, Rawls claimed, form the basic structure of society since "justice is the first virtue of social institutions" and as such is an uncompromising virtue. In order for these principles of Justice to function properly, moral decisions must be made from an impartial standpoint, as if from behind a 'veil of ignorance', so that no one can choose rules that give him an advantage on account of his natural fortune, personal abilities or social circumstances.

More recently, James Rachels, the author of a popular textbook, states that morality is "the effort to guide one's conduct by reason...while giving equal weight to the interests of each individual who will be affected by one's conduct." Rachels agrees that morality and moral rules are necessary for society to be able to exist. He states that impartiality is integral to morality if one is to avoid ambiguity in moral decision making; it is also unjust to regard someone as having special importance or a privileged status unless there are relevant reasons to do so. Bernard Gert tells us in a book published only two years ago that "[r]ationality is the fundamental normative concept", a status about which there is 'universal agreement'. A moral theory, which is

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39 Ibid, p. 3.

40 Ibid, pp. 16-17.


42 Ibid, p. 22.
meant to make explicit, explain and justify morality and guide moral decision making, must include "rationality, impartiality, and a public system, not only because they are necessary for providing a justification of morality, but also because they are essential to providing an adequate account of it."\textsuperscript{43}

The foregoing provides adequate evidence that there is a wide acceptance among moral theorists that the aim of moral theory is to guide and regulate humanity’s competitive interests in order to achieve the goals of social, political and personal liberty while allowing promotion of these individual interests. Moral relations are conceived as occurring between rational individuals who treat one another impartially, or as if they were equal, and the relations themselves are freely-chosen and are therefore of a contractual (albeit largely implicit) nature.

2.3 The Criteria of the Socially-Oriented View of Morality

In order to achieve social harmony, it is necessary that any moral theory purporting to govern moral relations must have certain features. Whether or not these features are present in a particular theory is determined by comparison of the proposed theory with a list of criteria intended to ensure promotion and achievement of the desired aim of morality. The failure of a potential theory to meet any of these necessary criteria entails its failure as a theory adequate for governing moral relations. It is useful, therefore, to briefly consider the criteria intended to promote and achieve the socially-oriented view of the aim of moral theory that was discussed in the previous section.

One criterion, \textbf{impartial consideration and distribution} of burdens, has already been identified above as the practical means of achieving fairness of consideration and treatment.

between individuals, and is considered as perhaps the most essential part of any moral theory by a significant number of moral philosophers.\textsuperscript{44} As Kohlberg puts it, "[p]rocedurally, fairness as impartiality means... a decision on which all interested parties could agree insofar as they can consider their own claims impartially, as the just decider would... we have [a solution] that could be reached as right starting from anyone's perspective in the situation, given each person's intent to put himself in the shoes of the other."\textsuperscript{45}

**Universalizability** is another criterion suggested that is intended to promote and protect general individual interests in accordance with this view of the aim of moral theory by requiring that any considered principle or entailed action choice be applicable to all individuals in a given situation, making the same demands on all individuals involved in the situation.\textsuperscript{46} Immanuel Kant made universalizability an integral part of his moral theory: "act only in accordance with that maxim through which you can at the same time will that it become a universal law."\textsuperscript{47} Further, Peter Singer succinctly links universalizability with impartiality: "a distinguishing feature of ethics is that ethical judgments are universalizable. Ethics requires us to go beyond our own personal point of view to a standpoint like that of the impartial spectator who takes a universal point of


\textsuperscript{45}Kohlberg, 1973, p. 641.


**Principle use** is a criterion that is loosely associated with universalizability, because use of abstract principles that can be apprehended and utilized by and pertain to any rational individual also ensures that general interests of all are promoted and protected.\(^{49}\)

Some scholars adhere to the socially-oriented view of morality so strongly that they consider **public application** as one of the essential criteria by which to judge moral theories.\(^{50}\) This means that moral principles must be applicable to public or social relations between strangers and acquaintances.

Other criteria for judging theory adequacy are not designed to promote and protect particular aims, but instead are meant to ensure that the proposed theory functions unproblematically. While not directly pertinent to the current discussion regarding promotion of a particular aim of moral theory, these functional criteria are related to the 'teleological' criteria in that together they provide a comprehensive test for moral theories. It is helpful, therefore, to provide a brief overview of these functional criteria here, while a more detailed discussion of these particular criteria appears in chapter V.

It is clear that if a theory is to provide practical action guidance, then it must be **comprehensive** in that it must be able to resolve moral disputes and ensure a morally appropriate outcome for moral situations across the entire range of moral relations when its principles are followed. If this is not the case, then the individuals involved in situations and relations

\(^{48}\)Singer, 1979, p. 204.


unaccounted for will not have a means of moral decision making and conflict resolution.\textsuperscript{51}

Likewise, a proposed theory must be internally \textbf{consistent} and \textbf{coherent} if it is to function without serious problems. This is to say that judgements made must not conflict with one another, judgements can be derived from one another, and for these reasons they are mutually supportive.\textsuperscript{52} Finally, an essential part of theory functioning involves the \textbf{prescriptiveness} of its principles that make them obligatory rather than merely optional\textsuperscript{53}: “Everyone must grant that a law, if it is to hold morally, that is, as a ground of an obligation, must carry with it absolute necessity…”\textsuperscript{54}

\textbf{2.4 Enquiries into Moral Development: Lawrence Kohlberg}

The first comprehensive empirical study of moral decision making was done in 1932 by Jean Piaget in order to determine the basic concepts and reasoning processes that children use when making moral judgements.\textsuperscript{55} Lawrence Kohlberg, an educational psychologist, extended and further developed both Piaget’s research and theory with his own studies. While Piaget focused specifically on children, Kohlberg’s studies focused not only on the concepts and reasoning processes involved in moral decision making by both children and adults, but also on

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\textsuperscript{54}Kant, 1997 [1785], p. 2.

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how those decisions were modified over time, thereby identifying and explicating the stages involved in moral development. Kohlberg accepted Piaget's claim that both logic and morality develop through stages, each stage more stable, comprehensive and adequate than the previous one.\(^56\) Piaget's claims about moral stages led Kohlberg to look for a formal basis for moral decision making which he and Piaget believed was implied by the structural stage model. Kohlberg noted that Piaget's cognitive categories of logic and causality were derived from Kant's analysis of the categories of pure reason,\(^57\) and so he took Kantian rationalistic morality as a useful starting point to frame his own theory of moral development. Kohlberg, while not a moral philosopher, accepted the prevailing view of morality discussed above and drew upon the writings of moral philosophers to substantiate his opinions regarding the aim of moral theory, which he characterized in the following manner: "[t]he criteria of adequacy...aim at determining moral decisions and judgments on which all rational men involved in sociomoral action could ideally agree."\(^58\) Influenced as well by Rawls' statements regarding the primacy of the principle of Justice as equality or fairness for moral decision making, Kohlberg assumed that this conception of Justice epitomized morality's structure as a formal system based on rational consideration by decision makers,\(^59\) and he went to great lengths in his various writings to explain and substantiate his belief in the primacy of Justice over other competing moral principles, such as benevolence.\(^60\) His commitment both to the formal structure of moral principles and to the primacy of the Ethic


\(^{58}\)Kohlberg, 1973, p. 635.


\(^{60}\)Kohlberg, 1981, p. 175.
of Justice was integral to and epitomized his theory of moral development, so much so that he was willing to make the claim that “[d]enial of the claims of justice as the central principle of morality...coincides with a definition of morality which has various gaps and fallacies in terms of metaethical criteria.”61 Kohlberg believed that the Ethic of Justice he utilized was the only right model of morality; any other moral perspective is flawed by serious errors in understanding the fundamental nature of morality and moral theory.

2.5 Kohlberg’s Six Stages of Moral Development

In Kohlberg’s primary 12 year longitudinal study which began in his subjects’ adolescence (10-16 years) and continued until they reached their twenties (22-28 years), he presented 84 American boys with hypothetical moral dilemmas such as his well-known Heinz dilemma62, as well as some from medieval casuistry, in order to study the basis of their reasoning about these dilemmas at various ages.63 Other short-term studies aimed at establishing the universal nature of the various stages of moral development involved boys in Taiwan, Malaysia, Mexico, and Turkey.64 The various studies were designed to illustrate the development of moral judgement and character, to find the relation of moral thought to moral action, and to see if the premises of Kohlberg’s theory held through attempting to change the stage of a child’s moral thought.65


62See also Appendix I for Kohlberg’s Heinz dilemma


64Ibid, pp. 23-25.

65Kohlberg, 1980, p. 28.
It is useful at this point to provide an account of Kohlberg’s Heinz dilemma, because his conception of moral development was determined according to the terms in which individuals answered the series of questions associated with the dilemma and how closely these answers reflected Kohlberg’s conception of morality and moral theory. The dilemma is posed as follows:

In Europe, a woman was near death from a very bad disease, a special kind of cancer. There was one drug that the doctors thought might save her. It was a form of radium that a druggist in the same town had recently discovered. The drug was expensive to make, but the druggist was charging ten times what the drug cost him to make. He paid $200 for the radium and charged $2,000 for a small dose of the drug. The sick woman’s husband, Heinz, went to everyone he knew to borrow the money, but he could get together only about $1,000, which was half of what it cost. He told the druggist that his wife was dying and asked him to sell it cheaper or let him pay later. But the druggist said, “No, I discovered the drug and I’m going to make money from it.” Heinz got desperate and broke into the man’s store to steal the drug for his wife.

After having been presented this dilemma, subjects were asked a series of questions Kohlberg dictated, including:

- Should the husband have done that?
- Was it right or wrong?
- Is your decision that it is right (or wrong) objectively right, is it objectively universal, or is it your personal opinion?
- If you think it is morally right to steal the drug, you must face the fact that it is legally wrong. What is the basis of your view that it is morally right, then, more than your personal opinion?
- [is the basis of your view] anything that can be agreed on?66

Kohlberg began with two assumptions: first, that the key to understanding one’s moral conduct or character is to understand his (or her) moral philosophy, and second, that all people, and especially young children, are moral philosophers. What he discovered from the boys’ answers to hypothetical moral dilemmas like the Heinz dilemma was that, while there was an obvious difference in the content of their moral reasoning due to differing cultural beliefs, the

66Both the Heinz dilemma and the questions were taken from Kohlberg, 1981, pp. 12-13.
form (or phrasing and diction) of their reasoning remained consistent across cultures. "It is this emphasis on the distinctive form (as opposed to the content) of the child's moral thought which allows us to call all men moral philosophers" [67] "...[and] to call moral development universal." [68]

Drawing on the form and content of the boys' reasoning processes and based on 28 basic concepts and values of morality that he claimed could be found in any culture, such as the value of human life, [69] Kohlberg developed a theory of the progression or set of six stages that each individual goes through.

When asked why the druggist in the Heinz dilemma should give the drug to the dying woman when her husband couldn't pay for it, Tommy, age 10, responded that it is wrong not to help important people. Kohlberg took this as evidence of Stage 1 thinking, in which there is no differentiation yet between the moral value of life and its physical or social status value. By age 13, Tommy had progressed to Stage 2 thinking. When asked whether a doctor should perform euthanasia on Heinz' dying wife who requests it because of her pain, Tommy responded that "[m]aybe it would be good to put her out of her pain, she'd be better off...But the husband wouldn't want it...If a pet dies you can get along without it...you can get a new wife, but it's not really the same." This indicates the Stage 2 belief that the value of life is instrumental to the satisfaction of one's own and others' needs. Asked the same question at age 16, Tommy, exhibiting Stage 3 thinking that the value of life is based on empathy and affection of family and others toward its possessor, responded that "it might be best for her, but her husband—it's a human life—not like an animal, it just doesn't have the same relationship that a human being does.

to a family.” Richard, at age 16, exhibited Stage 4 thinking that the value of life is in relation to a moral or religious order of rights and duties. Asked the euthanasia question, Richard responded, “I don’t know. In one way, it’s murder, it’s not a right or privilege of man to decide who shall live and who should die.” Six years later, at age 22, when asked the same question, Richard expressed Stage 5 thinking that life is valued both in terms of its relation to community welfare and in terms of being a universal human right: “Given the ethics of the doctor, who has taken on responsibility to save human life–from that point of view he probably shouldn’t, but there is another side, there are...people in the medical profession who are thinking it is a hardship on everyone, the person, the family, when you know they are going to die....If it’s her own choice, I think that there are certain rights and privileges that go along with being a human being....and in that sense we’re all equal.” When asked at age 25 whether Heinz should steal the drug to save his wife or not, Richard replies in the affirmative. “A human life takes precedence over any other moral or legal value, whoever it is. A human life has inherent value whether or not it is valued by a particular individual.” When asked why this was the case, Richard stated that “[t]he inherent worth of the individual human being is the central value in a set of values where the principles of justice and love are normative for all human relationships.” This, from Kohlberg’s perspective, was a clear indication of Stage 6 moral thinking70 because Richard was able to state the universal principles he held.

The fact that Richard also included a concept of love in his reasoning, which implies a role for emotions and perhaps special obligations in moral relations, was ignored by Kohlberg because it did not fit with his expectations regarding what Stage 6 moral thinking and development should be comprised of. In spite of Kohlberg’s assertion that Stage 6 moral development recognizes and

70Kohlberg, 1981, pp. 118-120.
exhibits individual concern for human life, what is most important for a participant’s classification as having reached Stage 6 is not his concern with Heinz’ wife’s welfare, but that he uses particular language to justify his decision. That this is obviously the case will be clearly established by the discussion in chapter III, where subsequent studies of women’s moral decision making show that they exhibited a concrete concern for Heinz’ wife’s welfare and valued her life over the druggist’s right to property—exhibiting what should be Stage 6 thinking—yet Kohlberg steadfastly maintained that women’s thinking was representative of only Stage 3 development. While not directly relevant to the central questions of this project, it is interesting to note that what Kohlberg did here is representative of his overall methodology. It appears that Kohlberg had a preconceived notion of what moral relations and moral theories were, and he utilized only those results that substantiated that notion. He retained and included in his own theory those moral theories and participant replies which supported his own ideas and dismissed with minimal or no discussion or justification those moral theories and participant replies which supported views contrary to his own. Since Kohlberg was a psychologist it is perhaps asking too much to demand philosophical clarity and precision in his thinking and presentation of his theory; however, from a philosophical point of view, it should be noted that there are many problems with the steps Kohlberg takes to ‘justify’ many of his key assertions which raise questions about the validity of his conclusions.

Within Kohlberg’s theory there have been some questions as to whether moral development has five or six stages, because of the problematic fact that very few individuals (except moral philosophers!71) ever achieve Stage 6. Kohlberg recognized this problem and either ignored Stage 6 altogether72 or absorbed Stage 6 into Stage 5.73 Ultimately, he left us with the

71 Kohlberg, 1973, p. 634.

qualification that the sixth and final stage of development is “less a statement of an attained psychological reality than the specification of a direction in which, our theory claims, ethical development is moving.”\(^7\) The following is a brief overview of Kohlberg’s six stages of moral development as based on his empirical data:

**Level A: Preconventional Level**

**Stage 1:** *Punishment and Obedience*—right is obedience to rules and authority, avoiding punishment and not doing physical harm; egocentric point of view where the individual does not consider other’s interests and does not relate two points of view

**Stage 2:** *Individual Instrumental Purpose and Exchange*—right is following rules when it is in one’s interest to do so; right is also what is fair, an equal exchange or agreement; concrete individualistic point of view separated from those of authorities and others, conflicting interests seen as an instrumental exchange of services and goodwill

**Level B: Conventional Level**

**Stage 3:** *Mutual Interpersonal Expectations, Relationships and Conformity*—right is living up to other’s expectations, keeping mutual relationships of trust, loyalty, respect and gratitude; “being good” is important and is characterized by having good motives and showing concern about others; focus is on individuals in relationships with others, with shared feelings, agreements and expectations taking primacy over individual interests; the individual relates points of view through putting oneself in the other person’s shoes

**Stage 4:** *Social System and Conscience Maintenance*—right is fulfilling the duties you have agreed to, with other fixed social duties and rights; right is also contributing to society, the group or institution; motivation for doing right comes from asking oneself “What if everyone did it?”; one takes the viewpoint of the system which defines roles and rules and considers individual relations in terms of position in the system

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\(^7\) Kohlberg, 1981, p. 100.
Level C: Postconventional and Principles Level

Stage 5: Social Contract or Utility and Individual Rights—right is being aware that individuals hold a variety of values and opinions, most relative to their group, those non-relative values and rights, like liberty and a right to life, must be upheld regardless of majority opinion, while relative values usually should be upheld in the interests of impartiality and because they result from the social contract.

Stage 6: Universal Ethical Principles—right is following self-chosen abstract ethical principles appealing to logical comprehensiveness, universality and consistency; one follows these principles even when contrary to law; the principles are universal principles of Justice, of the reciprocity and equality of human rights and respect for the dignity of individuals.\(^7^5\)

Kohlberg determined that these stages occurred in an invariant, unidirectional, step-by-step sequence that was not entirely age-related. There was no regression between stages, and those instances of apparent regression, reported variously as being as high as 20% and as low as 2%, were treated as anomalous measurement errors.\(^7^6\) Stages were not skipped and children moved through these stages at varying rates. Likewise, he determined that individuals may stop progressing at any stage and at any age. A contentious example of such arrested development that held particular relevance for Gilligan comes from Kohlberg’s earlier report on his research:

“Stage 3 appears to be a stable adult stage for women….sizeable portions of [females] are remaining at Stage 3, while their male age mates are dropping Stage 3 in favor of the stages above it. Stage 3 personal concordance morality is a functional morality for housewives and mothers, it is not for businessmen and professionals.”\(^7^7\)

Kohlberg further determined that development of


\(^7^6\) This is another example of Kohlberg’s ignoring certain study results in order to avoid data which did not correspond with his expectation of what the results should be. See: Ibid, pp. 130-131. Also: Kohlberg, 1982, p.516.

both the ability and content of moral reasoning was universal across cultures, insofar as these were not significantly affected by specific social, cultural, or religious conditions. In other words, individuals at the higher (postconventional) stages of moral development came to apprehend and utilize abstract moral principles, such as respect for human life or Justice as equality, that all morally advanced decision makers would recognize as binding on all persons, in spite of potential conflicts with the particular dictates and beliefs of one’s own culture and religion. In the preconventional and conventional stages, moral content or value was largely culture-bound, but the postconventional stages represented a shift to abstract reasoning which is independent from cultural influence. Only at the postconventional stages did individuals attempt to formulate universalizable principles that were recognizably similar from culture to culture. Moral reasoning occurred primarily within one stage (between 50% and 66%), with some hold-over from the previous stage and some reasoning that reflects the next stage in the hierarchy. These stages defined ‘structured wholes’ which were ways of thinking, rather than attitudes toward particular situations, and were characterized by an increasing differentiation and integration of relevant information. Thus, each stage represents a distinct ‘moral logic’ or set of ‘logical operations,’ a framework applicable to the organization and interpretation of moral issues that is not present in the prior stage. As one encounters inconsistencies and conflicts that are difficult to resolve with one’s current framework, one struggles to find satisfactory answers and in the corresponding contemplative process apprehends the next moral stage, which is both morally and

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78 Kohlberg, 1981, p. 27.

79 Ibid, p. 98.

80 Kohlberg, 1980, p. 31; See also Kohlberg, 1982, p. 517.
cognitively more adequate, stable and self-consistent than the stage before it. Subsequent stages allow for more comprehensive and coherent organization of moral experiences, distinctions and connections than previously possible, allowing the individual to address moral problems that were previously unresolved and even unrecognized. Postconventional, principled moral judgements which exhibit increasing differentiation and integration reflect the increasingly prescriptive nature of those judgements. For example, as the answers to questions posed from the Heinz dilemma indicated, the moral imperative to value life becomes increasingly independent of the factual properties of the life in question as the individual moves through the stages toward moral maturity. As this realization grew, the individual became more impelled to value life, and the principle apprehended via that realization took on prescriptive force. Since Kohlberg believed the claim that principled morality defines what is right for any person in any situation, he determined that post-conventional morality also exhibits consistency and universality. At these stages, Kohlberg believed, equality or justice provides a reversible solution to moral conflict, one that recognizes and respects all individual rights and corresponding duties:

Only claims that are reversible are valid. Stage 5 recognizes this in the notion that (1) the rights (liberty) of others limit the right (liberty) of the individual, and (2) an individual who transgresses the rights of others can make no claim to have his or her own parallel rights respected. But at Stage 6 these notions are developed in a more positive sense. A just solution to a moral dilemma is a solution acceptable to all parties, considering each as free and equal and assuming none of them knew which role they would occupy in the situation.

Kohlberg also claimed that “Stage 6 is a deontological theory of morality,” one that respects

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82 Ibid, p. 135.
justice, rights and duties. Justice as fairness and equality at the highest stage builds upon a conception of fairness as reciprocity or reversibility that is evident at every previous stage of development, and the concept of reversibility, as one of the foundations of morality, explains the intuitive plausibility of justice as a rational choice. Postconventional morality, particularly Stage 6, is morality in its true sense, Kohlberg contended, and is therefore morally superior because it meets all of the appropriate criteria, unlike judgements made at lower stages.

Stage 6 statements not only use moral words but also use them in a specifically moral way: “regardless of who it was” implies universality; “Morally I would do it in spite of fear of punishment” implies impersonality and ideality of obligation, and so on. The individual whose judgments are at Stage 6 asks, “Is it morally right?” and means by “morally right” something different from punishment (Stage 1), prudence (Stage 2), conformity to authority (Stages 3 and 4), and so on. Thus the responses of lower-stage subjects are not moral for the same reasons that responses of higher-stage subjects to esthetic or other morally neutral matters fail to be moral.

2.6 Kohlberg’s Conception of Morality

Piaget believed that logical and moral stages represent levels of maturing thought processes within the child for integrating discrepancies or conflicts between the child’s beliefs regarding morally acceptable actions and the actions of others. The conflicts are solved by the individual taking various roles in the situation in order to evaluate the actions of all involved. Logic or rational thinking, therefore, represents an ideal equilibrium of thought operations that facilitates moral development and is therefore highly desirable, as is the ‘ideal role-taking’ that

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84Ibid; Kohlberg’s emphasis.


87Ibid, p. 145.
places decision makers in the position of the impartial spectator and makes their choices just.\textsuperscript{88}

The arguments and claims of the moral philosophers that Kohlberg referred to, including Kant, Hare, Ross, and Rawls\textsuperscript{89}, echoed this emphasis on logic, rationality, and the role of impartial consideration, suggesting to Kohlberg that these philosophers' criteria for moral judgement was correct and worthy of being adopted into his own position.

Kohlberg believed that moral endeavour is a judgement or rational cognitive action, rather than a behaviour or an affect. Kohlberg viewed emotive theories of moral judgement as irrational, stating that "the quantitative role of affect is relatively irrelevant for understanding the structure and development of moral judgment."\textsuperscript{90} This is because, although he recognized that all mental events have both cognitive and affective aspects, he felt that the quality of affects involved in moral judgement is determined by and is part of one's cognitive-structural development, thereby placing moral judgements firmly in the realm of rationality.

According to Kohlberg, morality is, therefore, defined in terms of its formal character, rather than in terms of its content, and moral judgements are judgements about the right and the good of action. Moral judgements are universal, inclusive, and consistent; they are characterized by impersonality, ideality, universalizability, preemptiveness, and the autonomous nature of moral choice and obligation; and they are based on objective grounds.\textsuperscript{91} Elsewhere he claimed that moral judgements must be (which is to say, must meet the criteria of) reversible, consistent,

\textsuperscript{88}Kohlberg, 1973, p. 643.

\textsuperscript{89}Kohlberg, 1981, p. 102.

\textsuperscript{90}Ibid, pp. 139-140.

\textsuperscript{91}Kohlberg, 1980, pp. 53-56. See also: Kohlberg, 1981, p. 170.
universalizable, and prescriptive.\textsuperscript{92}

While moral judgement is based on sympathy for others, Kohlberg followed Roderick Firth in claiming that "the moral judge must adopt the perspective of the ‘impartial spectator’ or the ‘generalized other’."\textsuperscript{93} Hence, moral decisions must be made from something like an ideal observer perspective, or as if from behind a Rawlsian veil of ignorance:

Universalizability and consistency are fully attained by the reversibility of prescriptions of actions. Reversibility of moral judgment is what is ultimately meant by the criterion of fairness of a moral decision....fairness as impartiality means reversibility...on which all interested parties could agree insofar as they can consider their own claims impartially, as the just decider would. If we have a reversible solution, we have one that could be reached as right starting from anyone’s perspective in the situation, given each person’s intent to put himself in the shoes of the other....[U]niversalizability starts with the slogan, “What if everyone did it, what if everyone used this principle of choice?”...If something is fair or right to do from the conflicting points of view of all those involved in the situation, its is something we can wish all men to do in all similar situations.\textsuperscript{94}

If a moral judgement is to be prescriptive and universal, Kohlberg claimed, it must by necessity be made in terms of moral principles, which are more abstract than arbitrary moral rules, allowing for universalizability of the former but not of the latter. “There are exceptions to rules, then, but no exception to principles.”\textsuperscript{95} Principles are neither rules (as a means to an end) nor values (the ends one wishes to support and/or achieve), but rather prescriptive guides for actions in concrete situations.\textsuperscript{96} Principles at lower stages of moral development act merely as reasons for actions and were not identified and utilized as abstract principles until the highest stages of development

\textsuperscript{92}Kohlberg, 1973, p. 641.
\textsuperscript{93}Kohlberg, 1981, p.141.
\textsuperscript{94}Kohlberg, 1973, pp. 641-642.
\textsuperscript{95}Kohlberg, 1981, p. 39.
\textsuperscript{96}Ibid, p. 174.
(Stages 5 and 6). A person may consistently hold more than one principle or reason for action, for example prudence, benevolence, justice and respect for authority, but by Stage 5 prudence and respect for authority have given way to the abstract principles of benevolence and justice. By Stage 6, Justice alone is recognized as the epitome of moral principles, since it is the only principle that can resolve all conflicts. A moral principle is a principle for resolving competing claims...[t]here is only one principled basis for resolving claims: justice or equality. Treat every person's claim impartially regardless of the person." Kohlberg continued, making his position explicit: "[T]he only 'true' (stage 6) moral principle is justice."

Kohlberg accepted without question Piaget's claim that logic represents the ideal equilibrium of thought operations, and added to this the assertion that "justice represents an ideal equilibrium of social interaction, with reciprocity or reversibility being core conditions for both logical and moral equilibrium." Given the Piagetian basis of Kohlberg's work as well as the criteria for moral judgements that the moral philosophers he referred to advocated, it is not surprising that Kohlberg adopted Justice as the only 'true' principle of morality, since Justice alone meets all of the given criteria, particularly the impartiality required to make decisions from the ideal observer position or from behind a veil of ignorance. His commitment to the principle of Justice is evident in the Ibid valorizing language in which he characterized it: Justice is "articulate, comprehensive, and integrated enough to be satisfying to the human intellect";

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100 Ibid, p. 145.
101 Ibid, p. 27.
the good is one because the good is justice"\textsuperscript{102}, and Justice is the "ideal virtue"\textsuperscript{103}.

Kohlberg did acknowledge that human welfare or benevolence is the core of morality, but only insofar as empathy or role-taking is the precondition for experiencing a moral conflict. This is to say that one may decide that she wants to take your lunch, but it only becomes a moral conflict for her when she thinks about the situation as if she were in your shoes and realizes that, if she were the owner of the lunch, she’d want to keep it. The empathetic role-taking illuminates the conflict between her interests in acquiring your lunch and your interests in retaining it. However, empathy is not, he believed, an appropriate mechanism for conflict resolution. Although sympathetic role-taking often extends more broadly than the sense of Justice, organized or principled forms of role-taking are defined by Justice structures in that they reflect \textit{shared} expectations and/or values.\textsuperscript{104} Kohlberg pointed out that "benevolence in the sense of 'love, empathy, sympathy, human concern, humanism,' and so on can never be a principle of choice."\textsuperscript{105} Benevolence, he claimed, is another virtue label which one may universalize, but when there is a conflict between welfare alternatives there are no strong principles for deciding between the two alternatives other than Justice. "[I]t is clear that only principles of justice have an ultimate claim to being adequate universal, prescriptive principles... When principles, including considerations of human welfare, are reduced to guides for considering [competing claims of individuals], they become expressions of the single principle of justice."\textsuperscript{106} Since the principle of Justice is the only

\textsuperscript{102}Ibid, p. 40.

\textsuperscript{103}Ibid, p. 30.

\textsuperscript{104}Ibid, p. 144.

\textsuperscript{105}Ibid, p. 63.

\textsuperscript{106}Ibid, p. 175.
means to decide between conflicting benevolence or welfare principles, it becomes the ultimate moral principle under which benevolence principles are subsumed. Quantitative maximization of benevolence, such as may be proposed by Utilitarians, is really only an issue of distributive justice, Kohlberg asserted, which he believed was further indication of the primacy of Justice over benevolence.

Kohlberg summarized his argument for Justice as the basic moral principle in the following way:

1. Psychologically, both welfare concerns (role taking, empathy) and justice concerns, are present at the birth of morality and at every succeeding stage and take on more differentiated, integrated, and universalized forms at each step of development.

2. Of the two...only justice takes on the character of a principle at the highest stage of development—that is, as something that is obligatory, categorical—and takes precedence over law and other considerations, including welfare.

3. "Principles" other than justice may be tried out by those seeking to transcend... [Stage 5] morality, but they do not work, either because they do not resolve moral conflicts or because they resolve them in ways that seem intuitively wrong.

4. The intuitive feeling of many philosophers that justice is the only satisfactory principle corresponds to the fact that it is the only one that "does justice to" the viable core of lower stages of morality.

5. This becomes most evident in situations of civil disobedience for which justice, but no other moral principle, provides a rationale that can cope with the Stage 5 contractual-legalistic argument that civil disobedience is always wrong.

6. The reason that philosophers have doubted the claims of justice as "the" moral principle is usually that they have looked for a principle broader in scope than the sphere of moral or principled individual choice in the formal sense.

[Kohlberg ends this list with a significant assertion:] Denial that justice is the central principle of morality thus tends to coincide with a refusal to accept a formal deontological concept of morality but is not backed by an alternative positive definition of morality.\textsuperscript{107}

\textsuperscript{107}Ibid, pp. 175-176.
2.7 Commentary on Kohlberg's Theory of Moral Development

Kohlberg’s theory was valuable because it was the first time that empirical data were used to explain and substantiate the concepts of moral growth and progress. This introduced a temporal dimension into moral theory which had thus far been absent. However, some of Kohlberg’s contemporaries were quick to point out problematic areas in his theory, while others were adamant in support of his work. Since a number of them have direct relevance for the identification and development of the Ethic of Care as well as later attitudes toward it, it is appropriate to consider them briefly here. A detailed discussion of whether or not many of these criticisms are warranted and, if so, what that means for moral theories, occurs in chapter IV. For the sake of brevity, I have chosen to assemble the various criticisms into the categories identified below, based on similarity.

Why Rawls and Kant?

Since first Piaget and later Kohlberg believed that morality was a formal structure of universal, categorical rules which are apprehended and utilized through the rational endeavour of decision makers, Kohlberg looked to moral philosophers whose theories reflected these features to provide substantiation for his own position. Kohlberg drew explicitly on a Kantian deontological model of moral theory, and utilized Rawls’ original position and veil of ignorance to meet the impartiality criterion he believed was integral to morality. However, critics question Kohlberg’s reliance upon the claims of Kant and Rawls to reinforce his position.

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Kohlberg stated that:

[the] assumptions of our psychological theory are naturally allied to the formalistic tradition in ethics from Kant to Rawls. This isomorphism of psychological and normative theory generates the claim that a psychologically more advanced stage of moral development is more morally adequate, by moral-philosophic criteria. This implies that the philosopher's *justification* of a higher stage of moral reasoning maps into the psychologist's *explanation* of movement to that stage and vice versa.108

Owen Flanagan called this "a defense via John Rawls," pointing out that the 'isomorphism' means only that Kohlberg and Rawls agree in a one-to-one correspondence of their theories. In other words, Rawls' claims about the requirements for morality are the same as those made by Kohlberg, but the fact that the two agree does not establish the correctness of their views. Kohlberg attempted to avoid the 'vicious circularity' of justifying Stage 6 in Stage 6 terms by "joining forces with what he takes to be the philosophical mainstream"109, blindly accepting Rawls' 'authority' on the subject as 'proof' that his own views are correct. Flanagan's criticism is justified here. Kohlberg did use circularity to 'substantiate' his own and Rawls' positions. Kohlberg used Rawls' conception of the Ethic of Justice to support his own view of morality and also used his own view of morality (as embodied in his empirical studies) to support Rawls' conception of Justice:

[Whether one starts from Kant, Mill, Hare, Ross, or Rawls in defining morality, one gets similar research results.]110

Our conception of stage 6 helps to clarify the *intuitive plausibility* of Rawls's [*sic*] notion of the original position.111

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Flanagan goes on to ask "why Rawls?" rather than Nozick, Quine, Singer, Hare or even Habermas, since each of these philosophers also have a theory adequate to meet the criteria Kohlberg believes necessary for morality and Rawls' theory itself has not gone unquestioned. Specifically, Rawls has been criticized as having an ahistorical theory of morality that does not reflect the reality of moral decision making. "[I]n the end the transfer of the burden of proof for the adequacy claim from himself to Rawls only increases the justification problems facing Kohlberg's theory..."112

Kohlberg believed that the Rawlsian veil of ignorance exemplifies the indispensable concepts of universalizability and reversibility. However, it is not obvious that these concepts really are central to all moral relations. Seyla Benhabib has convincingly argued that ignoring the standpoint of the 'concrete' or particularized other leads to epistemic incoherence in universalistic moral theories. Moral reciprocity or reversibility relies on one's capacity to ideally role-take or put oneself in the other's position, "but under conditions of the 'veil of ignorance,' the other as different from the self disappears...as a consequence of total abstraction from his or her identity. Differences are not denied; they become irrelevant."113 She questioned whether the identity of any human self can be defined in terms of its capacity for agency alone, as Kant insisted it can, and argued against Kant's assumption that a pure, rational individual reasoning for herself could ever reach a conclusion acceptable to all people in all times and places, a criticism that Dillon echoes.114


These problems led Benhabib to claim that complete reversibility cannot be achieved, since what she identifies as the primary prerequisite of reversibility—a coherent distinction between oneself and others—disappears under the veil of ignorance. This general criticism of complete reversibility is particularly true for Kohlberg, especially given his Rawlsian views.

It should be noted that Kohlberg's primary reliance on Rawls creates more than just problems with his conclusions, it also creates a foundational problem as well. As will be discussed in greater detail in chapter III, the move from a theory of moral development to a normative theory is not as straightforward as it appears. Rawls was careful to describe his project in A Theory of Justice as being concerned with social justice and the principles governing the basic institutions of society. This would imply that he was aware that his was not a comprehensive account of the entire range of moral relations. Though he mentions the family in passing in three different contexts, he has been widely criticized for not providing a significant account of morality and the family in his work.115 This also suggests that there is a gap in Rawls' account that should be filled. It is evident that Kohlberg should not have relied almost exclusively on Rawls' to justify and substantiate his own theory. He would have been better off referring primarily to Kant's theory, which is purported to be a comprehensive account. Of course, this still leaves the troublesome issue of translating a theory of moral development into a normative theory to be dealt with.

Why Justice?

Kohlberg asserted that Justice is the only principle which can provide a solution to all moral conflicts; in fact, at Stage 6 there ought to be no moral claims or conflicts left unresolved.116


Critics question whether this is, in fact, the case, and whether there may be other principles capable of providing conflict resolution.

Don Locke claims that Kohlberg's Stage 6 does not identify a form of moral reasoning which can be systematically distinguished from reasoning regarding utility, a social contract and individual rights identified in Stage 5. Kohlberg's emphasis on principles of Justice, equality and respect for persons then becomes one among many alternatives, and "[w]hat distinguishes them is not their superiority, cognitive or moral, over the various forms of Stage Five moral thinking, but simply the fact that they are the principles to which Kohlberg personally subscribes." Locke questioned the possibility that single moral principle could do all the work of moral conflict resolution. Further, Locke contended that a purely formal principle of Justice cannot provide particular moral judgements itself: for that we need independent values. Locke claimed that it is entirely possible that different decision makers utilizing the empathetic role-taking that Kohlberg demands in order to determine right action might start with values other than those of the Ethic of Justice and thus arrive at different, opposing judgements as to how to resolve moral conflicts. There is no guarantee, for example, that all decision makers will recognize and agree that there is a "hierarchical dominance of [the value of] life over such values as that of property" as Kohlberg asserted that they will. Indeed, many decision makers will protect their perceived right to possess property or to acquire property by sacrificing their own, and others', lives!

Further, there is also no reason to think that role taking and Justice will provide reversible solutions to dilemmas wherein conflicting claims are equally legitimate. Consider, for example, Locke's revision of Kohlberg's Heinz dilemma, where Heinz must decide, rather than stealing the


drug, whether or not to kill the druggist who refuses to turn over life-saving medicine for his wife, when killing the druggist is the only way to obtain the medication. Appeals to role taking and Justice alone cannot provide a resolution to the conflicting right to life claims of both the wife and the druggist. Some other consideration must be called upon to prioritize between the competing claims and thereby achieve resolution. Locke contended that Justice is a purely formal and ‘empty’ principle which cannot tell us which claims are moral or which claims we ought to consider; more substantive values are needed for that. Locke suggested that Kohlberg’s consideration of the Heinz dilemma is based not on the actual primacy of Justice, but rather on Kohlberg’s own conception of the value of life, for which he provides no justification other than a belief that it is intuitively right to think this way. As Locke stated:

Certainly there is no way of getting from an abstract formal principle of justice or equality to the specific value of human life, or to any specific value at all. So far from the principle of justice being the only principle capable of providing the unique and universal solutions to all moral problems which we need if Stage Six moral reasoning is indeed to be ‘ultimately equilibrated’, the principle of justice, by itself, is totally incapable of providing any solution, not merely to the Heinz dilemma, but to any moral problem whatsoever!

Murphy and Gilligan also took issue with the primacy of justice in Kohlberg’s theory. They claimed that the principle of Justice as fairness and reciprocity, rather than deserving a place at the pinnacle of the moral hierarchy, is just one among several legitimate principles in which a dilemma can be constructed and resolved. They pointed to the emphasis given by subjects considering Kohlberg’s Heinz dilemma to context and special obligations to particular others as

119 See the discussion of the problem of prioritization in chapter VI.


evidence that more than the principle of Justice is at work in their moral reasoning.

Kohlberg’s Stages and Real Life Morality

Another important problem with Kohlberg’s theory is the relationship between hypothetical or theoretical moral reasoning and ‘real life’ moral action. We all, at times, fail to do what we ought to do, insofar as rational deliberation alone does not always motivate us to act morally. Knowing what the right thing to do is, in itself, not enough to compel one to do the right thing, except in the cases of individuals who are moral exemplars. As Roger Straughan points out, morality is by definition a practical business, focusing as it does on what one ought or ought not to do. By studying and interpreting verbal responses to exclusively hypothetical moral dilemmas, rather than studying how people behave in real dilemmas, Kohlberg’s “hypothetical approach has important logical limitations, which make it an unreliable guide to what happens in ‘real-life morality’. . . hypothetical dilemmas necessarily lack that first-hand immediacy which is an essential ingredient of genuine moral experience.”

Kohlberg’s utilization of only hypothetical dilemmas allowed for a more ‘clear-headed’ rational response from subjects, but in real-life dilemmas one’s emotions are not divorced from moral decision making, and one’s emotions, desires and motives may actually run counter to what reason would dictate as appropriate in a hypothetical dilemma. Murphy and Gilligan had earlier stated that they were struck by the importance of real-life dilemmas in changing reasoning methods, an importance explicitly noted by subjects in their own study. “[O]ne subject referred to the actual dilemma he faced as ‘a dilemma

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of the fact', [and] his principles of justice did not enable him to solve the moral problem.\textsuperscript{123} They saw an attention to contextual detail at work in actual moral decisions that Kohlberg failed to detect. They believed that there are many right answers to moral problems, and viewed appeal to contextual details as a progression toward a more comprehensive, adaptive and therefore adequate form of moral reasoning and judgment. Movement toward the realization that the particular context plays an integral role in a concrete decision allows for decisions that better ‘fit’ the situation.

Murphy and Gilligan also noted that subjects solving Kohlberg’s hypothetical and contextually-limited Heinz dilemma identified the logical priority of the right to life over the right to property, as Kohlberg anticipated, but the subjects’ reasoning involved more than the application of a simple Kohlbergian hierarchy of rights. As the subject considered other aspects of the dilemma, his thinking became focused on the context and a belief in special obligations that are more compelling than a principle of rights became evident:

While he [the subject] thinks that ‘everyone has the obligation to relieve human misery and suffering if possible...I do think you have certain obligations to your wife or your friends or relatives that are just deeper.’ This is precisely the kind of statement that slips through Kohlberg’s manual...Asked whether the wife has a right to expect Heinz to steal, he [the subject] offers two contexts in which this question can be answered and claims that both are legitimate: ‘Yes, I think so. First of all because she is a person and second of all because she is his wife.’ In other words, Heinz has both universal obligations to his wife as a person and a special obligation to her as his wife.\textsuperscript{124}

Faced with the uncertainties of real moral choice, appeal to contextual detail allows the individual to focus on the actual consequences of that choice in a way that hypothetical dilemmas abstracted from the details of reality cannot. Hence, the range of moral ‘behavior’ on which Kohlberg

\textsuperscript{123}Murphy and Gilligan, 1980, p. 100.

\textsuperscript{124}Murphy and Gilligan, 1980, p. 98.
based his generalizations excluded both necessary and unavoidable emotional involvement and an awareness of and appeal to contextual features that characterize real life moral decision making. As such, Kohlberg’s theory is not representative of our everyday moral experiences.

**Women’s Moral Development on the Kohlberg Hierarchy**

Employing his six stage hierarchy, Kohlberg found that women’s moral development tends to correspond to Stage 3 conventional morality, in which individuals focus on living up to one another’s expectations, keeping up mutual relationships of trust, loyalty, respect and gratitude, and showing concern about others. While Kohlberg does not say so explicitly, from what he does say it is possible to interpret women’s arrested moral development as a by-product of the socially-restricted lives they lead. Since women typically have fewer opportunities for complex social interactions than men, they also have fewer opportunities to experience and subsequently reconsider their responses to moral dilemmas. Because they do not have as many opportunities to internalize the conventional code<sup>125</sup> of behaviour, they remain at stage 3. This, it can be said, is why “[s]tage 3 personal concordance morality is a functional morality for housewives and mothers; it is not for businessmen and professionals.”<sup>126</sup> However, this is not the only possible interpretation to be drawn from Kohlberg’s statement. Flanagan claims that the logical implication that can be drawn from this statement is “that females are, on the average, morally less adequately developed than males.”<sup>127</sup> He continues: “the stage sequence described by Kohlberg, derived as it was from a longitudinal study of eighty-four males, mirrors the moral developmental

<sup>125</sup>Kohlberg and Kramer, 1969, p.108.

<sup>126</sup>Ibid.

<sup>127</sup>Flanagan, 1982, p. 503.
patterns of males and ignores, indeed denies, the possibility of a different developmental schema for females."\textsuperscript{128} Kurtines and Greif were also critical of the fact that males were the main characters in Kohlberg’s dilemmas, claiming that “[r]ecognition of differential role expectations for males and females suggests that sex of the main character may influence an individual’s judgement.”\textsuperscript{129} These critiques call into question both the adequacy of Kohlberg’s male-based empirical study to address the moral development of all humans and the veracity of the implication that women are inferior to men in moral development. The most vocal critic of the place of females in Kohlberg’s hierarchy of moral development is Carol Gilligan, a former colleague of Kohlberg. Her extensive criticism of Kohlberg’s theory resulted in the explication of an Ethic of Care, detailed in chapter III, which she claims provides the motivation behind female moral decision making.

\textbf{2.8 Summary} 

The current chapter began with a discussion of a popular view of the aim of moral theories and nature of moral relations expounded by the same moral philosophers that Kohlberg drew upon to substantiate his own views about morality. This view is that moral theories aim at regulating the public competition of individual interests and that moral relations occur between rational equals who freely choose to enter into their relationships, giving them a(n implicitly) contractual nature. As a result, any normative theory purporting to govern moral relationships must meet criteria that ensure both the achievement of these aims and the proper functioning of

\textsuperscript{128}Ibid.

the theory itself. The socially-oriented view of the aim of morality and nature of moral relations is upheld by the Ethic of Justice, because of the reliance of both on impartial consideration and distribution in order to achieve a fair or equal standing for all individuals involved.

Kohlberg adopted Piaget's view that morality is an inherently formal system of principles (rules) apprehended and utilized by rational endeavour, and he looked to the moral philosophers to provide a moral theory which was compatible with his own view. Adopting the prevailing philosophical view, Kohlberg believed that he had found his support primarily in Rawls' theory of Justice as fairness, which echoed Kohlberg's own commitment to the primacy of Justice as the central principle of morality. Based upon empirical studies of the male child's emerging ability to recognize the primacy of Justice in moral decision making, Kohlberg advanced a six stage theory of moral development in which apprehension and adherence to universal, abstract ethical principles constitutes the highest level of moral development. Critics of Kohlberg's work questioned his use of only hypothetical moral dilemmas, his use of male subjects to establish his scale, and the conclusions which he drew from it. He was also criticized for his gratuitous assumption that Justice is the central or ultimate principle of morality. It was further suggested that this view of morality and Kohlberg's six stages of moral development do not reflect real life moral experiences and for that reason are deficient. On Kohlberg's scale, women tend to become arrested at Stage 3, where 'being good' is important and 'right' is living up to other's expectations. As critics like Gilligan and Flanagan point out, this implies that women are inferior to men in moral development and rational and abstract cognitive abilities, a conclusion that Gilligan rejected and set out to prove wrong. These problems led Gilligan to conduct methodologically sounder studies, drawing conclusions from them that she believed were more realistic than Kohlberg's conclusions. Gilligan's empirical studies and the method of moral decision making she identified from the studies, the Ethic of Care, are discussed at length in the next chapter.
Chapter III

The Ethic of Care: Gilligan, Noddings, and Clement

The Ethic of Care began as an explication of the findings of a psychological study into how women made moral decisions. Carol Gilligan was the first to note that women appeared to utilize an Ethic of Care when making moral decisions, rather than an Ethic of Justice. Gilligan’s conclusions from the study generated a great deal of interest, and the features and values of the Ethic of Care have been widely debated. Since Gilligan’s Ethic of Care was an account of the method of moral decision making reported by subjects in empirical studies, rather than an attempt to formulate, or indeed even represent, a comprehensive moral theory, there are obvious difficulties with her perspective that need to be accommodated if I am to consider whether the Ethic of Care can constitute a moral theory in its own right.

The current chapter begins with an overview of Gilligan’s formulation of the Ethic of Care and how it functions. This is followed by a brief summary of some of the criticisms made of the Ethic of Care which led to subsequent formulations which may be more amenable to transformation into a normative theory. It is interesting and important to note that many of the criticisms, particularly those surrounding the Ethic of Care’s position regarding individual rights, lack of prescriptiveness and usefulness for public policy formation, are made as if it were being used as a normative moral theory rather than serving only as a description of decision making methods used by subjects in Gilligan’s study. This confusion of the descriptive and prescriptive uses of Gilligan’s Ethic of Care in the philosophical literature not only illustrates the need for the current project, but also is the basis of the changes made in subsequent versions of the Ethic of Care, and for this reason they are included here. A brief overview of Nel Noddings’ relational
version of the Ethic of Care appears next, followed by an account of the first viable attempt to formulate a comprehensive moral theory based on the Ethic of Care, that of Grace Clement. My own critique of Clement's position concludes the chapter. It should be noted that Clement's version of the Ethic of Care will be the paradigm used for this project since it is the most comprehensive and least problematic account and as such is most likely to function as a normative moral theory.

3.1 Carol Gilligan's Identification of the Ethic of Care

Gilligan recognized a number of problems with Kohlberg's theory which led her to question his conclusions. She noticed recurrent problems in interpreting women's moral development and a disparity between women's experiences and Kohlberg's representation of human development. She recognized that the root of the problem was the repeated exclusion of women from the theory-building psychological studies. Her work with Murphy\textsuperscript{130} also indicated that proponents who advocate the use of the Ethic of Justice tend to ignore other legitimate principles and values that may adequately guide moral conduct.

Gilligan initiated her own studies of women's moral decision making, using both real life dilemmas as well as Kohlberg's hypothetical Heinz dilemma. Her research led to the empirical identification of a difference between men's and women's approaches to moral decision making. In her book \textit{In A Different Voice} (1982), Gilligan accepts Kohlberg's assertion that men tend to make moral decisions according to the Ethic of Justice as the basis of the contrast between men's and women's moral decision making methodologies. According to Kohlberg's research, men were interested in determining how to exercise individual rights without interfering with the rights

\textsuperscript{130}Murphy and Gilligan, 1980
of others. When faced with a moral dilemma, men tended to look at the problem as a conflict of individual rights, particularly those of autonomy and noninterference or liberty, and attempted resolution through the application of formal, impartial rules that supported those rights and justified ascription of responsibility and blame. Gilligan’s research showed that women, on the other hand, viewed a moral life as being comprised of obligations to oneself, one’s family, and people in general. These were similar to those beliefs and motivations reported and assessed as being at Kohlberg’s Stage 3. Moral dilemmas were seen as a conflict of responsibilities, and women attempted resolution through a contextual and narrative approach that was aimed at maintaining relationships and removing or minimizing harm.

According to Gilligan’s interpretation of Kohlberg’s and her own research, male moral decision making depended on an atomistic view of morality, in which individual rights and duties were emphasized so that every individual would be free to pursue his own goals, whereas female morality arose from the recognition of the factual interdependence of individuals and the relationships between them. This apparent disparity in the way males and females approached moral decision making led Gilligan to identify a new and different moral schema or perspective, a ‘different voice’. This perspective was associated with females by the empirical studies and discussed in female terms, but Gilligan clearly stated that it is a theme that gives ‘voice’ to the previously silent moral experiences of women rather than being an exclusively female method of moral decision making. Gilligan asserted that this perspective is used by both men and women, although women tend to use the Ethic of Care more readily than the Ethic of Justice, while men tend to use the latter more readily than the former. Indeed, Gilligan pointed out the need for both genders to see the importance of the connection between self and other and the universality

\footnote{Gilligan, 1982, p. 2.}
of the need for compassion and care\textsuperscript{132}, concepts central to the perspective she identified as the Ethic of Care.

3.2 Women and Kohlberg's Scale\textsuperscript{133}

Gilligan began her explication of the Ethic of Care by pointing out that academic theories which were formerly considered to be sexually neutral in their scientific objectivity have been found instead to reflect a consistent observational and evaluative bias that establishes that they are social constructions.\textsuperscript{134} In addition, males have traditionally been in the positions of power which have shaped our understanding of those theories. We have become accustomed to viewing life 'through men's eyes.' Researchers then implicitly adopted the male life as the norm, exhibiting an observational bias that tended to view women as inferior or deviant insofar as they differed from the male paradigm.\textsuperscript{135} Socialization played an integral role in the development of gender roles and expectations which also influenced how females were viewed in comparison with males. Females have been the primary care-providers for children, and in order for male children to develop a sense of masculinity it is essential that they separate themselves from identification with their mother. Female children, on the other hand, are encouraged to identify with and remain attached to their mothers, maintaining a degree of intimacy between them that is absent or vastly diminished in mother-son relations. This has important repercussions for views about female

\textsuperscript{132}Ibid, p. 98.

\textsuperscript{133}See Appendix II for a direct comparison of the features of the Justice and the Ethic of Care perspectives.

\textsuperscript{134}Ibid, p. 6.

\textsuperscript{135}Ibid.
moral development:

Since masculinity is defined through separation while femininity is defined through attachment, male gender identity is threatened by intimacy while female gender identity is threatened by separation. Thus males tend to have difficulty with relationships, while females tend to have problems with individuation....[this fact is] not only a descriptive difference but also a developmental liability...Women’s failure to separate then becomes by definition a failure to develop.\textsuperscript{136}

The differences in male and female moral decision making had been recognized some time ago, but until Gilligan’s study no significant research into these differences had been done. Piaget’s study of the moral development of children had shown that girls were more tolerant in their attitudes toward the rules, were more willing to make exceptions and were more easily accepting of innovation than boys, who went to some lengths to elaborate rules and develop fair procedures for adjudicating conflicts. Indeed, when conflicts occurred during female play, rather than resolve the disputes, girls tended to end the game, subordinating continuation of the game to the continuation of relationships. This meant, according to Piaget, that the legal sense, which he viewed as being essential to moral development, is far less developed in little girls than in little boys.\textsuperscript{137} Thus, boys and girls arrive at puberty with a different range of social experiences and a different personal orientation that influences their motivation and reasoning later in life. In order to have any hope of success in the world, independent of males, a girl must learn to “play like a boy”\textsuperscript{138} or recognize the inadequacy of her own moral perspective and “progress like men” toward higher stages of development where relationships are subordinated to rules.\textsuperscript{139}

Gilligan believed that women, who define themselves within the context of relationships

\textsuperscript{136}Ibid, p. 8.

\textsuperscript{137}Ibid, p. 10.

\textsuperscript{138}Ibid.

\textsuperscript{139}Ibid, p. 18.
and in terms of their ability to care, had been judged according to the male paradigm which values individuation, individual achievement and personal autonomy. Women’s concern with relationships within this male paradigm appears as a human weakness rather than a strength.\textsuperscript{140} The very traits that epitomize female ‘goodness’—their care of and sensitivity toward others—are the same traits that mark them as deficient in moral development according to the male paradigm. As Gilligan made clear, “as long as the categories by which development is assessed are derived from research on men, divergence from the masculine standard can be seen only as a failure of development.”\textsuperscript{141} In order to avoid this, consideration of women’s moral development must be made by studying women and deriving a developmental construct of women’s lives and women’s reasoning processes about morality.

Gilligan set about to do just that, and her study of women and their moral decision making indicated that many moral conflicts arose from conflicting responsibilities, rather than competing rights, and that their resolution required contextual and narrative thinking, rather than a formal and abstract approach. Moral development, on her view, centered around the activity of caring and the understanding of responsibility and relationships, with a recognition of the continued importance of attachment which is inherent in the human life cycle. Kohlberg’s Ethic of Justice, in which development was tied to an increasing understanding of rights and rules (principles), epitomized separation in its emphasis on impartiality and non-interference, while the Ethic of Care emphasized connection. These differences between the Ethic of Care and Ethic of Justice accounted for the failure of women to progress within the constraints of Kohlberg’s system.\textsuperscript{142}

\textsuperscript{140}Ibid, p. 17.

\textsuperscript{141}Ibid, p. 70.

\textsuperscript{142}Ibid, p. 19.
Gilligan explored the particular differences between Kohlberg's Ethic of Justice and her own Ethic of Care by examining both the male and the female approach to solving Kohlberg's Heinz dilemma. By considering the response of females to the Heinz dilemma, Gilligan was convinced that she would make it possible to discern moral development where previously development was not discerned. Results from a study of subject's perceptions of rights and responsibilities showed that male and female children perceived two different moral problems at the heart of one dilemma. Jake, an 11 year old boy, considered the Heinz dilemma to be "sort of like a math problem with humans"143 which he set up like an equation to be worked through to achieve the solution. Yet he was also aware of the limits of logic. Echoing the need for context in decision making that was previously noted by Murphy and Gilligan, when asked whether there is a right answer to moral problems Jake recognized that "there can only be right and wrong in judgment"144 since actions are variable and complex: for example, actions made with the best of intentions can result in disastrous consequences. Jake was clear that Heinz should steal the drug, and prioritized the value of life over both the value of property and the fallibility (or injustice) of laws which would result in Heinz' incarceration for the theft. A female subject, Amy, also 11 years old, viewed the Heinz dilemma as a narrative of relationships that extended over time and considered the main problem arising not from a conflict of individual rights but as a failure of the druggist to respond to Heinz' wife's need. Amy was unsure as to what Heinz should do, because she believed that it was wrong both for Heinz to let his wife die and to steal from the druggist. Surprisingly, however, the reason Amy viewed theft as wrong was not that property rights or the law held compelling moral force for her, but rather that she saw the effect the theft would have on


144Ibid.
the relationship between Heinz and his wife if he should be caught and incarcerated: “If he stole the drug, he might save his wife then, but if he did, he might have to go to jail, and then his wife might get sicker again, and he couldn’t get more of the drug.” Asked why it would be wrong to let the wife die, Amy responded that “if she died, it hurts a lot of people and it hurts her.”145 Amy wanted to find another alternative to theft that would result in healing Heinz’ wife while maintaining the connection or relationship between them. Since Amy constructed the problem differently, Kohlberg’s Ethic of Justice which demands respect for individual rights completely evaded her. Both children saw the need to mediate the problem, but approached it in different ways—Jake did so impersonally through systems of logic and law, while Amy did so personally through communication regarding a relationship that was to be maintained. The result of this difference in approach to the dilemma was that Amy scored a full level lower on Kohlberg’s scale than Jake did. In Kohlberg’s terms, Amy’s responses indicated:

- a feeling of powerlessness in the world, an inability to think systematically about the concepts of morality or law, a reluctance to challenge authority or to examine the logic of received moral truths, a failure even to conceive of acting directly to save a life or to consider that such an action...could possibly have an effect. As her reliance on relationships seems to reveal a continuing dependence and vulnerability, so her belief in communication as the mode through which to resolve moral dilemmas appears naive and cognitively immature.

Yet [according to Gilligan] Amy’s description of herself conveys a markedly different impression.... [depicting] a child secure in her sense of herself, confident in the substance of her beliefs, and sure of her ability to do something of value in the world.146

Gilligan challenged the judgement that Amy’s responses were naive and immature, claiming that they were not less valuable or less developed than Jake’s, but instead were representative of the Ethic of Care. Kohlberg’s scale, which was calibrated to the logic of the Ethic of Justice, missed

the 'different truth' of which Amy spoke. If we ask “What does Jake see that Amy does not?”, Kohlberg’s scale and Jake’s scoring a full level higher than Amy provides a ready answer. However, if we ask “What does Amy see that Jake does not?”, Kohlberg’s theory has nothing to say. “Since most of her responses fall through the sieve of Kohlberg’s scoring system, her responses appear from his perspective to lie outside the moral domain,” resulting in an apparent female immaturity of moral development that Gilligan disagrees with.

Women in Gilligan’s studies repeatedly asked for or attempted to supply additional contextual information in the Heinz dilemma in order to make the problem more ‘real’ and help them make a meaningful moral judgement. Gilligan concluded that “[o]nly when substance is given to the skeletal lives of hypothetical people is it possible to consider the social injustice that their moral problems may reflect and to imagine the individual suffering their occurrence may signify or their resolution engender.” This emphasis on contextual details shifted their judgements away from the use of a system of abstract principles and decision making procedures. As a result, when the formalistic criteria are used to assess their level of moral development, these women can (wrongly) appear stalled. Taking women’s responses to the actual dilemma of whether or not to have an abortion and scoring them according to Kohlberg’s scale showed that “several of the women in the abortion study clearly articulate a postconventional metaethical position, [but] none of them are considered principled in their normative moral judgments of Kohlberg’s hypothetical dilemmas.”

It is clear, then, that Gilligan considered Kohlberg’s theory to be inadequate to represent

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147 Ibid, p. 31.
149 Ibid.
the moral experiences and moral development of all people, particularly females, and that to continue to utilize his scale as a measurement of human moral development is unwarranted.

Gilligan's Ethic of Care was an attempt to fill the gap around female morality left by Kohlberg's theory, and in doing so represents an aspect of moral relations left untouched by the Ethic of Justice.

3.3 Explication of the Ethic of Care Perspective

Gilligan's study of women's moral decision making revealed the existence of a distinct moral language which indicated a sequential development in subject's moral thinking. "This is the language of selfishness and responsibility, which defines the moral problem as one of obligation to exercise care and avoid hurt...the expression of care is seen as the fulfillment of moral responsibility."¹⁵⁰ This development is characterized by three stages, with critical transitional phases in between resulting from a change in one's self-conception. The first stage is characterized by a focus on caring for the self in order to ensure survival and the fulfillment of interests, followed by a transitional phase in which this judgement is internally criticized as being selfish. The criticism precipitates a new understanding of the connection between self and others, articulating the concept of responsibility which is the second stage of development. At this stage, goodness is equated with caring for others. The next transitional phase is motivated by relationship problems that arise from one's focus on caring for others to the exclusion of oneself. The inequality manifested in the relationships between the self and others that is the outcome of the selflessness of the second stage and is questioned in the second transitional phase gives rise to a balance of selfishness and responsibility at the third stage. At this final stage there is a new

¹⁵⁰Ibid, p. 73.
understanding of the interconnection between the self and others, and the responsibility to care comes to include both the self and others. No longer will the individual be mired in self-sacrifice or extreme altruism. Now s/he will consider her own welfare, needs and desires equally with the needs and desires of others with whom she has a relationship, letting the contextual details answer the questions of whose needs to consider as relevant to the situation and whose need is greatest in this particular situation, thereby indicating an appropriate course of action.

Moral dilemmas, when considered from this stage, are about “who is going to be hurt more” by considered actions, and various solutions are not weighed in the abstract but in terms of actual consequences for the lives of the people involved. Moral development on the Ethic of Care’s scale is characterized by a progressively more adequate understanding of human relationships, with increasing differentiation of self and other and a growing comprehension of the dynamics of social interaction, all based on the central insight that the self and other are interconnected and interdependent. Just as no individual can function, thrive, or achieve any of his or her goals while completely isolated from others, it is unrealistic to view all moral conflict as a conflict between two independent, atomistic units and to view conflict resolution in terms of non-interference, which demands that ‘I leave you alone to pursue your interests and you leave me alone to pursue mine’. The (tacit) recognition of this fact by women in Gilligan’s study when

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151 This emphasis on equal consideration of the interests of others with whom one has a relationship raised a significant criticism of Gilligan’s perspective, because many believe that individuals have moral responsibilities to those with whom they do not have relationships, specifically those distant from the individual in place and/or time. This criticism will be considered later in the chapter.

152 Ibid, pp. 86-90.

153 Ibid, p. 95.

making their moral decisions meant that they focused on context, letting the specific details dictate how the situation was to be dealt with in order to remove or minimize harm and maintain and nurture the relationships involved. This also dictated a (tacit) rejection by women of the use of general principles and rules apprehended in abstraction from reality or as a part of a theoretical construct as inappropriate to moral conflict resolution. Finally, at the highest stage of development, "Care... becomes a universal injunction, a self-chosen ethic...[b]y elevating nonviolence, the injunction against hurting, to a principle governing all moral judgment and action, she is able to assert a moral equality between self and other and to include both in the compass of care." \(^{155}\)

3.4 Commentary on Gilligan's Ethic of Care

The main problems with Gilligan's account involve the absence or antithesis of those features traditionally deemed to be necessary requirements for an ethical theory. First, the Ethic of Care does not provide any specific rules or principles to guide conduct or resolve conflicts, aside from the principle of non-violence (to avoid or minimize harm for all involved) that, at the third stage of development, becomes translated into a universal injunction to care. This is because the injunction against hurting anyone, including oneself, is elevated to a principle governing all moral judgement and action.\(^{156}\) However, this general injunction does little to provide action guidance and conflict resolution in those situations where violence and harm are not an issue. Second, critics claim that it is impossible to make a general directive 'to care' prescriptive or obligatory because of the wide range of interpretations available. Third, in describing the Ethic of

\(^{155}\)Ibid, p. 90.

\(^{156}\)Ibid.
Care, Gilligan rejected any significant role for individual rights or personal autonomy. 157 And finally, appeal to *abstract* principles has little or no role to play in decision making under the Ethic of Care, because, as Gilligan asserted, they have little to contribute to decisions made in real life.

If the prevailing Ethic of Justice view is correct, and any or all of these features really are necessary for an ethical theory, then the Ethic of Care’s failure to incorporate these features will exclude it from consideration as an normative theory in its own right. Whether the Ethic of Justice is indeed correct and whether the Ethic of Care meets the traditional criteria for an normative theory or, indeed, needs to, will be the focus of this project from chapter IV onward. For present purposes it is sufficient to provide a closer look at the problems critics identified in Gilligan’s account in order to show how at least one subsequent formulation of the Ethic of Care addressed and accommodated these problems.

**The Need for Impartiality and Justice** 158

The Ethic of Care permits and requires us to give special consideration to those with whom we share close relationships. 159 While it is permissible under the Ethic of Justice to give special consideration to intimates when there are relevant reasons involved that would justify doing so, critics claim that the fact of being in a close relationship is not itself enough to constitute

157Ibid, p. 49.

158Note once again that critics in this and the following five subsections are criticizing the Ethic of Care *as a moral theory* and not as a descriptive account of moral decision making methods. The criticisms are included here because they directly influenced subsequent formulations of the Ethic of Care and because they identify problems which any conception of the Ethic of Care *as a moral theory* must overcome in order to be successful.

159This is permitted and required by the Ethic of Care, on Gilligan’s view, because the respondents in her studies included special consideration to those with whom we share close relationships as an integral part of their moral reasoning and decision making.
such justification. In noting the tension between impartiality and personal considerations and in arguing for an ‘adequate need’ conception of impartiality, Margaret Walker calls impartial concern the ‘ideal goal’ and ‘noble norm’\(^{160}\), which “warns us off fixations and distortions of feelings [and] challenges the exclusions of inattention or bias.”\(^{161}\) Many philosophers believe that there is a necessary and appropriate place for impartiality and Justice as fairness or equality in morality, and that these must supercede considerations of the Ethic of Care and benevolence. Jurgen Habermas is another theorist committed to impartiality and the primacy of the Ethic of Justice in morality. He claims that if we want to avoid regulation of our everyday coexistence through open or covert force we must adopt a moral point of view grounded in the Justice perspective and impartiality.\(^{162}\) The problem with Gilligan’s Ethic of Care, according to Habermas, is that it rests on an incorrect conception of morality because it does not focus on equality of consideration and impartiality and its central values are often contrary to those of the Ethic of Justice. Anne Phillips, meanwhile, states that “[c]ompassion [from the Ethic of Care] cannot substitute for the impartiality of Justice and equality, for compassion is potentially limited to those we can understand—and hence those most like ourselves.”\(^{163}\) Susan Mendus claims that the concept of the Ethic of Care unsupported by values central to the Ethic of Justice, such as equality, is too weak to do the moral work we need it to do, for it will not extend reliably to those


\(^{161}\)Ibid, p. 758.


\(^{163}\)Phillips, 1991, p. 156.
beyond one's immediate relationships, those most in need of moral consideration. Further, she claims that what strangers really want is not an expression of compassion and sympathy, which is often perceived as offensive and unwelcome, "but rather a recognition of our claims in terms of justice and equality.\textsuperscript{165} Rita Manning contends that, since people differ in their ability and willingness to care and, given the fact that each individual both can care and is a creature who needs care, there will be either such a difficulty in getting one's own needs for care satisfied that it will leave little time and effort for caring for others or the individual's own needs will be subverted to the needs of others, resulting in 'caring burnout'. Consideration of rules and rights to achieve a 'just caring' is necessary, therefore, to combat caring burnout and to assure that all will receive the care they need.\textsuperscript{166}

Other critics of the Ethic of Care were willing to concede some place for caring activities in the moral domain as Manning did, but only insofar as it is compatible with and subsumed under the requirements of impartiality and Justice. They point out that some caring treatment, even for particular others, can be accepted as appropriate by anyone who is role-taking or considering as if from an ideal observer perspective or from behind the veil of ignorance. For example, proponents claimed that the Ethic of Justice's requirement of equal consideration and distribution can still allow a parent to claim special obligations to his or her child within the context of the family, since everyone would agree that this is appropriate. Of course such special treatment would not be acceptable outside of the family context, say, in employment situations. As a result, "[c]ritics


\textsuperscript{165}Ibid, p. 22.

frequently dismiss aspects of the care perspective on the grounds that it doesn’t offer satisfactory corollary philosophical categories to the theories that it seeks to displace.”¹⁶⁷ The Ethic of Care is viewed as offering nothing new to moral theory. It is this belief which led Kohlberg to claim: “Denial that justice is the central principle of morality thus tends to coincide with a refusal to accept a formal deontological concept of morality but is not backed by an alternative positive definition of morality.”¹⁶⁸ George Sher concurs, stating that, because there is nothing in the Ethic of Care that cannot be accommodated in current Justice theories, “Gilligan’s findings seem neither to undermine nor decisively to adjudicate among the familiar options of moral theory.”¹⁶⁹

The Ethic of Care as Non-Prescriptive

In order to be applicable to conflict resolution and moral decision making, ethical theories must have a prescriptive element. The theory must be able to generate some method which can be used to decide what to do; typically principles, rules or axioms serve this purpose as “practical action guides.”¹⁷⁰ Since these principles must be able to be applied to all like cases, they must be abstract in order to allow for general (impartial) recognition, formulation and use, yet comprehensive enough that they can accommodate and account for exceptions. Since the Ethic of Care focuses on ever-changing contextual features, critics stated that this means that no adequately prescriptive element may be located, since there is no appeal to rules that can be


applied to all like cases. The Ethic of Care, critics claim, simply cannot tell us what to do quickly and easily.

Peter Allmark states that, in fact, there can be no caring ethics at all, because the caring ethic is hopelessly vague and lacks both normative and descriptive content.\textsuperscript{171} The Ethic of Care perspective cannot identify the ‘what’ and the ‘how’ of caring. When care-related terms are used in a moral judgement, the source of the judgement is not in the act of care or lack thereof, but rather it is in what individuals care about and how they express that care.\textsuperscript{172} Allmark explains that the act of care is itself value-neutral, that only the results of the act of care are able to be perceived as good, neutral or bad. The fact that we care about something, like who will win the Superbowl, does not make us ‘caring’ in the sense that the term is used when it conveys moral approval. In order to be \textit{morally} caring, two additional components must be present: one must care about the right things (ie., moral as opposed to non-moral things) and one must care in the right way (ie., exhibit moral sensitivity and skill as opposed to merely paying attention to one’s actions). Yet “by focusing on care as a moral quality in itself, something it is not, the ethics of care can tell us nothing of what those right things are....[although] [i]t does seem to tell us something of the second component.”\textsuperscript{173} Since the Ethic of Care cannot tell us what the right things to care about are, it cannot be prescriptive in the necessary sense and therefore has insufficient content to provide moral guidance. Stan Van Hooft also takes the position that a non-generalizable moral perspective such as the Ethic of Care is ‘useless’ for providing guidance for action, since it cannot offer guidelines or even ‘rules of thumb’—only an ethics of duty can do


\textsuperscript{172} Ibid, p. 19.

\textsuperscript{173} Ibid, p. 23.
A key feature of prescriptiveness is the fact that it generates obligation, but as Joy Kroeger-Mappes points out, "[b]eing connected to a person, caring for someone...cannot be imposed or placed on a person by an outside party in the way that obligations can...[C]are is not equivalent to a sense of obligation. Care isn’t care unless it is freely chosen. Hence care cannot be part of any obligation theory." As substantiation, she gives the example of parents who see their relationships with their children as a matter of only fulfilling certain moral (and legal) requirements. She claims that we see such relationships as lacking because there is little or no care, only a sense of duty, but there is also little, if anything, we can do to compel a caring attitude and approach in the parents and thereby rectify the situation. This is no trivial problem, for how can the Ethic of Care be adequately prescriptive and therefore action-guiding if its central principle is not obligatory?

The Ethic of Care and Rights

The notion of a moral obligation or duty generally presupposes the conception of the moral individual as rights-bearing, entitled to certain standards of treatment which others are bound to honour. The fact of being a rights-bearing individual is what generates the moral obligation on the part of others. When individuals are seen as bearing rights, such as having a right to liberty or autonomy, their rights are what limit both their obligations toward others as well as what others can do to the individual. Since the Ethic of Care takes as its central concept


an attitude or action, caring, rather than a feature of the individuals themselves, bearing particular rights, there is no feature of the individual himself which serves to place limitations on the actions of other individuals within a relationship. Critics claim that with no such limit, caring individuals can get locked into demands by the Ethic of Care for limitless self-sacrifice. This is the kind of harm that a normative theory is supposed to avoid. Jonathan Dancy claims that the Ethic of Care uninformed by the Ethic of Justice, which would allow the setting of some minimum necessary for civilized co-existence, nearly makes “care perspective...its own worst enemy.”

This is because without the limits imposed by the Ethic of Justice and in the face of perceptions of the Ethic of Care as a female ethic and Justice as a male ethic, the ‘female characteristic’ of caring could lead to self-sacrifice which the males would feel completely uncalled-upon to make, resulting in the creation or perpetuation of situations harmful to women.

Since it does not give priority to individual rights, utilization of the Ethic of Care as a method for making moral decisions is viewed as undermining or outright rejecting personal autonomy. Critics claim that since autonomy has little role to play in the Ethic of Care’s method of decision making, it is easily overridden by the demands of caring, promoting unremitting self-sacrifice. Without autonomy there is no available mechanism by which to set limits to the obligations owed under the Ethic of Care. Blum et al note that “Concern, care, and support may be defective unless they are founded on a strong sense of autonomy or independence and a healthy concern for oneself, so that in some sense a genuine and non-defective care actually requires autonomy.” Without autonomy, they claim, the individual’s capacity for both genuine, self-assertive caring and critical reflection are undermined. They provide an example of a

177Blum, Lawrence; Homiak, Marcia; Housman, Judy; and Naomi Scheman. 1975. “Altruism and Women’s Oppression” in Philosophical Forum 5:222-247, p. 224.
marriage between a dominating scientist and his supportive but less-than-autonomous wife to illustrate their claim that genuine caring sometimes requires the ability to challenge or threaten another’s views or self-concept. If the wife does not have a strong and functional concept of autonomy supporting her and allowing for critical reflection about the situation and her role in it, she will not feel able to challenge her husband’s dominant behaviour, in spite of the fact that it may be in the best interests of both of them for her to do so. The only option available for her is to provide him with unquestioning and uncritical support, while she remains unsupported in her own need. Once again, a moral decision making method which allows or worse, dictates, this kind of exploitive harm is clearly inappropriate for ensuring the promotion of individual interests and welfare, and as such should not be prescribed by a normative theory.

**The Ethic of Care and Public Policy Formulation**

Normative theories must be publicly or generally applicable, which is to say that the prescriptive feature of a normative theory must apply to all types of moral relations, from relations between intimates to relations between strangers. The Ethic of Care focuses almost exclusively on relations between intimates simply because we do not have relationships with strangers. Further, since it is necessary to know the contextual details when making decisions under the Ethic of Care, it is difficult to know these details when dealing with strangers, particularly when the strangers are physically distant, as in another part of the city, in another city or country, or in a future time. When deciding public policy on any given issue, it would be prohibitively time- and resource-consuming to determine all of the details relevant to each individual affected by the policy under consideration. The Ethic of Care, critics claim, is only equipped to deal with intimate relationships, and as such it is either impossible, morally wrong, or morally unhelpful to try to
apply the Ethic of Care to the resolution of large-scale political problems.

Mendus takes the position that it is impossible to apply the Ethic of Care to impersonal morality. She claims that an argument needs to be put forth explaining how the features characteristic of small-scale relationships can be extended in such a way as to be useful for political practice. It is far from clear, she states, how caring virtues are related to political virtues, particularly since relationships under the Ethic of Care are characterized by an intimacy that is wholly lacking in relationships between citizens. Such a perspective is untrue to the realities of modern urban life. "[I]n the modern world, the concept of care is too weak to do the work required of it: unsupported by considerations of justice and equality, care may simply not extend reliably beyond the immediacy of one's own family, or group, or clan, to the wider world of unknown others." In support of her claims, Mendus points to the psychological difficulty of truly caring about those who are distant from and unknown to us, as well as the fact that, from the unknown recipient's perspective, when considerations from the Ethic of Justice are expected, such as equality, the provision of compassion and sympathy may be offensive and unwelcome. Finally, Mendus claims that there are two threats manifest when the language of the Ethic of Care is applied to impersonal morality or politics:

the first is that it will simply result (indeed, has resulted) in those who present themselves as caring being required to carry the entire burden of welfare provisions: the history of care in the community has been the history of dependence on women, whose role as carers has substituted for state provision...[the second is] it does not follow that this emotion [of caring], on its own, provides the best foundation for political policies of welfare...when care is so extended, it can imply a loss of dignity for the recipient, and a convenient way of disguising the fact that he or she has claims in justice.


180 Ibid, pp. 22-23.
Claudia Card concurs, claiming that “resting all of ethics on caring threatens to exclude as ethically insignificant our relationships with most people in the world, because we do not know them individually and never will.”\(^{181}\) This would mean that we have no moral obligations toward distant people, as well as to those people in our own community that we do not know personally, which is a position that is morally unacceptable to many and in direct conflict the equality of consideration \textit{regardless of who they are} that is required by the Ethic of Justice.

The integral role of partiality in the Ethic of Care allows for the moral wrongs of nepotism and political partisanship, critics claimed. Marilyn Friedman mentions an excellent example of just such behaviour: “The infamous ‘boss’ of Chicago’s old-time Democratic machine, Mayor Richard J. Daley, was legendary for his nepotism and political partisanship; he cared extravagantly for his relatives, friends, and political cronies.”\(^{182}\) Extension of the Ethic of Care to public policy formation that involves people that we feel socially connected to, that we identify as being ‘like us’, would allow for the perpetuation of moral wrongs such as racism or sexism: “We care more for those who are emotionally, physically, and even culturally closer to us. Thus an ethic of care could become a defense of caring only for one’s own family, friends, group, nation. From this perspective, caring could become justification for any set of conventional relationships.”\(^{183}\) Rosemarie Tong agrees, stating that “justice is necessary for our defense against sexism, racism, ethnocentrism, homophobia, and xenophobia...[since] so many social groups...fail to care about those whose sex, race, ethnicity, religion, or even size and shape differ from their own, justice


must be treasured.” 184

If the Ethic of Care cannot be prescriptive, then it will be equally unable to provide guidelines for public policy, making this perspective morally unhelpful in the context of impersonal morality. Ruth Groenhout sees the problem of public application to be a difficult one for the Ethic of Care to overcome, since the commonly held position is that “one cannot base a moral theory on particular practices or particular conceptions of how people ought to live and expect that moral theory to be of any use in a pluralistic public or impersonal sphere. The impersonal sphere is a place for universal principles and values, and the particularity and situatedness of the Ethic of Care makes it inappropriate for that realm.” 185 Because the Ethic of Care is not universalizable and focuses on intimate relations, Robin Dillon believes that “Care is thus not something that we could or probably even should extend to those outside our networks of personal relationships.” 186 The implication is that moral decision making in the impersonal moral domain lies beyond the scope of the Ethic of Care, and rightfully so.

Deriving a Central Moral Value or Principle from Empirical Evidence

While Gilligan made it clear that she was not trying to describe a comprehensive ethic or moral theory, but rather was describing the apparent moral development of women based on her observations, Dianne Romain still asks how we can distinguish a moral order among the female perspectives as Gilligan had done with her three stages of development. “I do not see how one can produce a theory of moral development merely by listening to women’s voices (without


186 Dillon, 1992a, p. 77.
making additional independent value assumptions)." She insisted that we cannot find such a moral order unless we equate moral and temporal progression and make some assumptions about the value of goodness. In support of this claim she cited a study that showed that Nazi women assumed that female goodness was self-sacrifice to family and community. This assumption would make Gilligan's second stage the most morally developed, rather than the third, indeed, anyone at Stage 3 would appear to have regressed. She also pointed out that although women may voice caring values, this doesn't necessarily mean that women live up to them. While this doesn't mean that women do not value caring, it suggested to Romain that to conclude that care is women's ultimate value simply from listening to women's voices is to be too hasty.

Victoria Davion would concur, since she believes that there must be values more basic than those associated with the Ethic of Care. She claims that for any relationship to be morally good, it must not require individuals within it to violate any deeply held convictions. In order to be able to determine whether this is happening or not, the individual must be able to evaluate the relationships s/he is in. Evaluation of caring relationships, therefore, requires knowledge of values more basic than care, such as the value of personal moral integrity. The fact that the Ethic of Care calls for caring as an "absolute value" is problematic.

188 Ibid, p. 28.
3.5 Nel Noddings’ Relational Version of the Ethic of Care

Nel Noddings, in her 1984 book *Caring*, took Gilligan’s Ethic of Care and applied it to her own view of women’s morality as an ethic of relations, in that she placed explicit limitations on whom the Ethic of Care was intended to be used by, its moral aims and how it was intended to function. I include a brief discussion of Noddings’ relational Ethic of Care here in order to illustrate both what could be (and was) done with Gilligan’s Ethic of Care and to show the superiority of Clement’s version which follows.

Noddings held particular beliefs about the nature of moral relations and what they ought to achieve which shaped her relational Ethic of Care, although she explicitly stated that her account was not a ‘theory’. She believed that the source of all ethical behaviour is the our affective responses, which are a basic fact of human existence, and the ‘relatedness’ of individuals who are dependent upon the others in their relationships. The relationship between the ‘one-caring’ and the ‘cared-for’ is also natural and ethically basic, because as humans we want to care for others and be cared for. Morality, she stated, is an active virtue requiring both the sentiment of natural caring and the remembrance of experiencing this natural caring, which together motivates a feeling of ‘I must (do something to help)’ and entails caring activity. Where natural caring is absent, the Ethic of Care is required to enforce moral obligations to care. This relationship of natural or moral caring is reciprocal, but in an uneven or unequal fashion. This is to say that the ‘one-caring’ puts more effort and care into the relationship than the ‘cared-for’

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*Ibid, p. 3.*

*Ibid, p. 79.*

returns to her. All that is required in order to create an obligation to provide care is an imminent response from the potentially cared-for to our caring overtures or a sense that our caring may be ‘completed’ by the other’s receipt of it.\(^{196}\) This disparity is acceptable, Noddings claimed, because individuals want to be moral in order to remain in the caring relationship and to enhance the ideal of themselves as ones who provide care for others, an ideal which enriches their character and sense of self.\(^{197}\) Indeed, Noddings was quite explicit in stating that caring for one’s ethical self only comes through caring for others\(^{198}\) and that many of the demands of caring are what makes “life worth living”.\(^{199}\) In other words, it is possible to even hate the person one is caring for, but one continues to provide care because she cares about her own ethical self.\(^{200}\) One’s aim in providing care is to promote the welfare, protection, and/or overall enhancement of the individual cared for\(^{201}\) and, by extension, oneself. The one providing care is not expected to express empathy for the cared-for in the sense of role-taking or projecting oneself into the other’s circumstances as Kohlberg suggested. Noddings rejected empathy and role-taking as too objective and analytical, stating that instead one must experience ‘engrossment’ or become ‘receptive’ to the feelings of others before putting one’s motivational energy at the service of the other.\(^{202}\) All caring acts require engrossment in the needs and interests of the one cared-for and are therefore contextually-bound, although such engrossment need not be intense or for a lengthy

\(^{196}\text{Ibid, pp. 86-87.}\)
\(^{197}\text{Ibid, pp. 3-6.}\)
\(^{198}\text{Ibid, p. 14.}\)
\(^{199}\text{Ibid, p. 52.}\)
\(^{200}\text{Ibid, p. 18.}\)
\(^{201}\text{Ibid, p. 24.}\)
\(^{202}\text{Ibid, p. 31, pp. 33-34.}\)
period. The general moral aims of the relational Ethic of Care are to ‘always meet the other as one-caring’ and ‘maintain and enhance caring relations’.

In applying the Ethic of Care to her own particular views about the nature of moral relationships as stated above, Noddings retained the majority of Gilligan’s original formulation, but took a stronger stand on some of the individual points than Gilligan did. It is useful to note the main differences here. For example, where Gilligan stated that her research and findings represented women’s moral experiences, but that the Ethic of Care could (and should) be applied by men as well, Noddings’ view of moral relationships was that men take a logical approach to ethics and women take a caring approach. Caring is the foundation of women’s morality, and not simply a manifestation of it (as Gilligan believed). Noddings was also explicit in her rejection of the use of principles to guide moral conduct, while Gilligan’s Ethic of Care made the injunction to care into a universal principle of action at the third stage of development. Noddings rejected principles because she believed that they are ambiguous and unstable, implying a possible exception to them every time they are used. She also believed that adoption of principles, such as those mandating respect for individual rights, ultimately serve only to separate individuals, rather than bring them together in relationships. Behaving consistently and automatically from rules (principles) does not mean that one is acting in a caring fashion, even though rules do make for pleasant interpersonal relations and can work toward managing infinite calls to provide care. She also rejected universalizability as a criterion of caring morality, although she claimed that the

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204 Ibid, p. 42.
205 Ibid, p. 5.
206 Ibid p. 51.
drive to care is 'universally accessible'\textsuperscript{207} Universalizability will not work in relationships because each relationship is unique. Abstract principles, she stated, are too objective and impersonal for practical use; when one appeals to them, one ends up caring about a problem and not about a person, which is the focus of her relational ethic.\textsuperscript{208} The practical result of this can be seen in Noddings' attitude toward caring for strangers who would be given moral consideration on any account that appeals to abstract principles. Noddings stated that real caring requires that we not just 'care about' individuals, but that we 'care for' them. As a result, one cannot care for starving children in Ethiopia that one does not know personally because "caring itself is reduced to mere talk about caring when we attempt to do so."\textsuperscript{209} According to Noddings, one simply cannot care for or provide care to those individuals that one does not know, cannot interact with, and as such cannot judge whether or not they are receptive to one's caring overtures. Of course, if one were to act as a relief worker and actually go and interact with people in need in distant places, then the individual would be able to develop a relationship with the needy in which s/he could judge their reception to his or her caring overtures. However, unless one is willing to actually go to distant places and form these relationships, then, according to Noddings' relational Ethic of Care, one has no obligations to distant people.

3.6 Commentary on Noddings

The problems with Noddings' relational Ethic of Care are numerous, but it is useful to point out two particular groups of criticisms. The first cluster or group of criticisms arose from

\textsuperscript{207}Ibid, p. 5.

\textsuperscript{208}Ibid, p. 36.

\textsuperscript{209}Ibid, p. 86.
Noddings' uni-directional conception of care as originating with the one-caring and not requiring reciprocal care in return. This leads to charges that the relational Ethic of Care, if used as a normative theory\(^{210}\), would lead to the inappropriate moral result of permitting and even dictating unremitting self-sacrifice and exploitation of women in particular (since the relational Ethic of Care is a female ethic).\(^{211}\) Further, Noddings' claim that withdrawal from relationships, even exploitative or abusive ones, is a diminishment of the 'ethical ideal'\(^{212}\) suggests that if women really care for themselves and their moral character, they must remain in these relationships to maintain that ethical ideal. An account that is considered as acting as a normative theory and which suggests that a woman should remain in a harmful situation just so that she may feel that she is acting morally is unacceptable to many philosophers, including myself. As was noted in the criticisms of Gilligan's Ethic of Care above, any 'theory' which advocates harmful outcomes is not an adequate normative theory.

The second cluster or group of criticisms surrounds Noddings' claim that it is the actual response from or the potential for our caring to be 'completed' or 'received' by the potentially cared-for that makes caring obligatory. This effectively limits caring to those with whom the individual can form involved, sustained relationships, since there must be some time and means by which to judge whether or not the potentially cared-for is actually responding to one's overtures of care or is likely to do so. This excludes moral obligations toward others distant in place and time with whom one does not (and cannot) have a relationship and thereby judge that they are

\(^{210}\)In spite of Noddings' claims that it is not a theory, normative or otherwise.


\(^{212}\)Noddings, 1984, p. 114.
willing to receive one's care. Further, according to Noddings' relational ethic, individuals and other living things, such as plants, animals, and fetuses, acquire moral value only after one begins to care for them.\(^{213}\) This is because their treatment as valuable being comes directly from the fact that they matter to us; we care about them and that care translates into a particular, special kind of treatment. This fact also introduces an arbitrariness to moral relations that is completely unacceptable by any criteria of morality because it is not justifiable. In addition, moral conflicts between nations or with/between business corporations, the government or other groups of individuals will not be resolved by appeal to the relational Ethic of Care because these are not situations in which caring overtures by the one-caring and receipt of the overtures by the group are relevant.\(^{214}\) It is ridiculous to suggest that one cannot have moral conflicts or indeed moral relations with large groups, yet this is what Noddings' claims suggest.

As a result of the strong stance Noddings took on some of the key ethical claims made, her account was vulnerable to more crippling criticisms than Gilligan's was. For this reason, in the subsequent formulation of Clement's revised Ethic of Care, Clement returned to Gilligan's account as the basis from which to draw upon. This is the account to which I now turn.

3.7 Grace Clement's Refined Ethic of Care

The first viable attempt to formulate a comprehensive moral theory based on the Ethic of Care was made by Grace Clement in 1996. Clement's refined Ethic of Care was an attempt to address the dearth of valuable Justice-related concepts in Gilligan's account by placing equal

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importance on both the Ethic of Care and Ethic of Justice as appropriate to moral decision making. I will consider whether Clement was correct in placing the Ethic of Justice and the Ethic of Care on equal footing in chapter VI. As was seen in Chapter I, giving equal status to the Ethic of Care and the Ethic of Justice is only one option among many, perhaps not the most appropriate one, and there still exists the problem of knowing which perspective to use in any given situation when they conflict. However, before answering these questions it is necessary to explicate Clement's version of the Ethic of Care, which is the focus of this portion of the chapter.

Clement thought that both the Ethic of Care and the Ethic of Justice are more fundamental to morality than other possible ethical perspectives because they both thematize two basic dimensions of human relationships: attachment and equality. Keeping these two perspectives separate allows for focus on only one dimension of human relationships and results in either uncaring forms of the Ethic of Justice or unjust forms of the Ethic of Care.215 The Ethic of Care and the Ethic of Justice are thus not alternative perspectives, but rather complementary approaches that inform and provide balance for each other, both equally necessary for an adequate approach to morality. The source of much of the difficulty surrounding the integration of the Ethic of Care and the Ethic of Justice, particularly for putting them on an equal footing as Clement wanted to, is, first, that the Ethic of Justice is understood to take personal autonomy as its central concept while the Ethic of Care is understood to be opposed to autonomy on the grounds that it is excessively individualistic; and, second, that it is typically held that the Ethic of Justice applies to the impersonal sphere of politics and society while the Ethic of Care is viewed as applying only to the private (personal) sphere of family and friends.216 These views arise from

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216 Clement, 1996, p. 15.
mistaken conceptions of the Ethic of Care and the Ethic of Justice in their ideal forms, Clement claimed, and she made it the project of the book to show how both autonomy and public policy may be accommodated by the Ethic of Care while remaining true to the central tenets of the perspective as formulated by Gilligan.

Clement begins with a consideration of the nature of autonomy which echoes Dworkin’s conception\(^{217}\), and then builds upon it. Autonomy is traditionally accepted as meaning ‘self determination’ and is characterized by two criteria, one negative and one positive: one must be free of coercion in making decisions such that one’s decision is self-chosen, and one must critically reflect on his or her decision in order to ensure that the decision is actually one’s own.\(^{218}\) Further, critical reflection about one’s choices and their outcomes is necessary to enable one to accept responsibility for his or her actions.\(^{219}\) However, a particular feature of autonomy that must be considered is the fact that critical reflection is itself a social product, so any accurate account of autonomy must recognize both the psychological and social features. For an individual cannot be said to have control over his or her life unless s/he has the ability to carry out his or her decisions, and this entails having some degree of social power. Likewise, it is only through the support and guidance of family, friends and teachers that one can develop the skills of self-examination that are required to meet the positive criterion of autonomy. Indeed, the degree to which one can even consider the possibility of being critical of socially-sanctioned beliefs and

\(^{217}\)Although Clement does not refer to Dworkin explicitly, it is clear by the language that she uses that her “typical conception” of autonomy reflects Dworkin’s insistence that autonomy is a second-order capacity to reflect critically on and accept or attempt to change one’s first-order preferences, thereby allowing one to take responsibility for his or her choices. See: Dworkin, Gerald. 1988. The Theory and Practice of Autonomy (Cambridge University Press, Cambridge, Massachusetts), p.20.

\(^{218}\)Clement, 1996, p. 15.

\(^{219}\)Ibid, p. 37.
preferred choices is itself culturally influenced. Autonomy, then, is a competence which is acquired through relationships with others, rather than in isolation, and since there exist degrees of both reflective capacity and empowerment, there are also degrees of autonomy.\textsuperscript{220}

While according to the traditional model of autonomous moral relationships such relationships can only occur between equals who freely choose to participate in them, it is a fact that many of our caring relationships are not freely chosen and/or are with individuals who are not (fully) autonomous, but such relationships are still viewed as entailing moral obligations. One’s relationship with his or her parents or with a partner who is suffering from the early stages of Alzheimer’s disease are examples of relationships which are not freely chosen, but are recognized as appropriately requiring moral obligations.\textsuperscript{221} One of the main reasons we need to care for others is often because they are not autonomous and their interests are in need of protection. Therefore, in order to be a realistic representation, theories of autonomy must concede both that the capacity for critical reflection and the act itself are shaped and occur within social contexts and interactions. These theories must also account for the fact that some moral relationships are either not freely chosen or may occur with one (or perhaps more) participants who are less-than-fully autonomous.\textsuperscript{222}

Thus conceived, Clement claims that “autonomy is not in conflict with the ethic of care, but is actually the fulfillment of it.”\textsuperscript{223} At the highest level of development, Gilligan’s third stage,

\begin{itemize}
  \item \textsuperscript{220}Ibid, pp. 24-25.
  \item \textsuperscript{221}Likewise, many believe that human relationships with animals entail moral obligations on the human’s part, and if this is the case, then such relationships would also fall outside of the typical view of moral relationships involving rational, autonomous equals.
  \item \textsuperscript{222}Ibid, p. 31.
  \item \textsuperscript{223}Ibid, p. 37.
\end{itemize}
the individual comes to three important realizations: that s/he must give equal consideration to his or her own needs and desires; that to give oneself equal consideration is not selfish but responsible; and that the extreme selflessness of Stage 2 is irresponsible. When one critically evaluates the needs of both the self and the other within a particular context s/he is able to legitimize her position regarding how much attention and assistance to give and to whom, allowing her to accept responsibility for her decisions and therein take control of her life and support her autonomy. 224

In her attempt to show how the Ethic of Care is applicable to and appropriate for impersonal morality, Clement examines the boundaries of public and private morality. 225 She states that public relations between strangers have long been considered paradigmatic of moral relations, while private relations between family and friends have been considered to be of lesser moral importance. This was the view of Kohlberg, among others. 226 The prevailing view expressed in the philosophical literature is that relationships within the public realm are typically self-interested, relying on respect for individual autonomy and rights to regulate competition of interests and abuses of power. Relationships within the private realm, however, are typically altruistic. The inter-connectedness and dependence of participants are viewed as an integral part of life and moral relations, motivating the promotion of individual well being. These features of private relationships are most appropriately dealt with by the Ethic of Care and its attention to individual’s needs. 227

224Ibid.  
225A discussion of the public/private dichotomy and the suggestion of a less problematic division will occur in chapter IV, sec. 4.5  
Clement rejects this prevailing view as mistaken, suggesting instead that the Ethic of Justice and the Ethic of Care together have something valuable to contribute to both public (impersonal) and private realms. For example, Clement claims that the Heinz dilemma can be interpreted as part of either the public (impersonal) or the private domain of moral relations, depending on one's moral orientation. One may consider this dilemma as a public problem regarding Heinz' obligations of non-interference and respect for the individual rights of the druggist versus his obligation to respect his wife's rights, or as a private problem regarding Heinz' obligations to promote his wife's well-being that overrides obligations to other individuals who are not directly dependent upon him, such as the druggist. Neither the Ethic of Justice nor the Ethic of Care alone fully represents the full range of problems and appropriate solutions of the dilemma, Clement contends. For example, viewing the Heinz dilemma exclusively from the Ethic of Justice as a conflict of Heinz' wife's right to life with the druggist's right to property and disregarding Heinz' personal ties with his wife suggests that a right to life always overrides the right to property, leading to what Clement believes is the morally inappropriate conclusion that it is (always) right to steal, even to help strangers in need who are dying.\(^{228}\) In order to arrive at (in Clement's view) a morally appropriate answer, one must grant Heinz a greater obligation to save his wife's life than a stranger's life by recognizing the moral relevance of Heinz' relationship with his wife and the overriding obligations toward her entailed by it. This is to say that one must include the values of the Ethic of Care in considering the Heinz dilemma, meaning that the Heinz dilemma is not simply a public or Ethic of Justice issue. However, the dilemma cannot be resolved purely within the Ethic of Care perspective either. Clement claimed that the basis for

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\(^{228}\)It should be noted here that since Clement is working within the Ethic of Care to deal with this moral problem, she cannot employ a Utilitarian calculus that would make such theft morally appropriate.
Heinz’ obligation to his wife flows from a general obligation to help anyone in need, suggesting that the Heinz dilemma also has a public or Justice component.\textsuperscript{229} Further, the public and private realms are more alike than is commonly assumed, since both are characterized by power relations and it is fairly easy to establish that personal relations, which in their privacy offer distinctive opportunities for abuses of power, must appeal at least in part to norms of the Ethic of Justice in order to be characterized as “good”.\textsuperscript{230}

In order to establish that the Ethic of Care is just as necessary to the public (impersonal) realm as the Ethic of Justice is to the private (personal), Clement had to find a way to obligate the values central to the Ethic of Care. Doing so also overcomes one of the significant problems with Gilligan’s formulation: the lack of prescriptive force. Clement achieved this by appealing to Robert Goodin’s argument in \textit{Protecting the Vulnerable}\textsuperscript{231}, whereby obligations to care are based on the fact that individuals are particularly vulnerable to our actions and choices. Within the private (personal) realm, this means that we have special obligations to family and friends specifically because our actions and choices can affect their interests to a great extent. If we accept that vulnerability entails particular obligations to care, then we must see that this obligation extends into the public (impersonal) realm as well. For, Clement points out, many people beyond our circle of family and friends are also vulnerable to our actions and choices, including those distant from us in space as well as time.\textsuperscript{232} Future generations, for example, are as vulnerable to the choices we make regarding such issues as waste management, resource development, health

\textsuperscript{229}Ibid, p. 70.

\textsuperscript{230}Ibid, p. 71.


\textsuperscript{232}Clement, 1996, pp. 73-75.
care and education as the people in our own culture and time. Likewise, people in third world
countries today, strangers to us, are affected by and vulnerable to the expansion of multinational
corporations into these underdeveloped countries as well as by Western environmental policies. According to both Goodin and Clement, the more vulnerable individuals are to our choices and actions, the more compelling our obligations to them are. As a result we are not required to weigh everyone’s interests exactly equally, allowing us to give more weight to those closest to us who are most directly affected by our actions and choices. This is what makes it morally appropriate to steal in order to save one’s wife, but not to do so in order to save a stranger. Such a conception of the obligation to care would, according to Clement, accord with our intuitions in the Heinz dilemma: that stealing the drug to save his wife’s life is appropriate, because Heinz bears special obligations toward his wife insofar as she is more vulnerable to and affected by the outcome of the choice he makes (to steal the drug or not) than the druggist is. Practically speaking, the druggist is only harmed a little by Heinz’ theft, while his wife would be harmed a great deal more (death) if he fails to do so. If one is acting morally, as the Ethic of Care claims, by minimizing or avoiding harm, promoting welfare, and by assigning special weight to those individuals who are dependent upon him and particularly vulnerable his actions, then stealing in order to save one’s wife is morally mandated—because she falls into this category.

Finally, Clement explains why the Ethic of Care’s emphasis on contextual details and partiality, and the apparent exclusion of appeal to personal rights as a guiding principle, are not incompatible with public (impersonal) morality. She claims that the difference between the abstractness of the Ethic of Justice and the concreteness of the Ethic of Care is a difference in emphasis, not in kind. General or abstract principles and concrete contextual details are

233This overcomes the overwhelming problem regarding moral obligations toward distant strangers that Noddings’ relational Ethic of Care fell prey to.
dependent upon one another, for moral guidance by principles is necessary for the individual to
avoid charges of relativism and inconsistency, and appeal to contextual detail helps the individual
formulate, select and apply the general principles. Clement points out that the Ethic of Justice
must (and does) utilize contextual details. For example, it is the contextual details in the Heinz
dilemma—that it is Heinz’ wife that is fatally ill, that he cannot find an alternative source of money
to pay for the drug, and that the druggist is unfairly over-charging for the drug—that cause
decision makers to decide that it is morally appropriate for Heinz to steal the drug. If those
contextual details were absent or significantly different, then the moral decision may be quite
different. Imagine, for example, that the fatally ill individual is a stranger to Heinz, or the
 druggist offered the drug at below cost, or Heinz’ only way to obtain the drug is to murder the
 druggist. One could decide in these different scenarios that Heinz has no compelling reason to
weigh an ill stranger’s right to life more strongly than another stranger’s (the druggist) rights to
life or property, or to steal the drug if the druggist were to offer it below cost. Therefore, if the
Ethic of Justice did not allow appeal to contextual detail, then it would permit such behaviour as
the sacrifice of individuals such as the fatally ill stranger or Heinz’ wife purely for the sake of
adherence to a principle like ‘do not steal’. Likewise, the Ethic of Care perspective must (and
does) utilize general principles, such as ‘to maintain healthy relationships’ and ‘to minimize harm,’

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234 One may ask whether the Ethic of Care would approve of Heinz killing the druggist (if
it were the only option) in order to save his wife. I believe not, for the Ethic of Care
mandates the minimization and avoidance of harm and equal consideration of the
interests of all concerned, including the druggist. In the case of theft, he suffers little
harm and that is outweighed by the wife’s need for help to save her life; her interests in
this scenario are more compelling. However, if the choice is between the druggist’s life
and the wife’s life, their need is equally compelling and an unfortunate stalemate occurs:
since the druggist is not directly threatening the wife’s life, it would be inappropriate to
kill him in order to save her.
thereby establishing guidelines for action. While public policy making does not allow for consideration of particular features of individuals, it does allow for attention to distinguishing features of groups or ‘collective concrete others’. Since decision makers do consider the group’s special needs when making public policy, Clement concludes that “the concrete standpoint of the ethic of care is possible in the public (impersonal) sphere.”

Critics claim that public (impersonal) morality requires the impartial consideration of interests and the impartial distribution of benefits and burdens to individuals and groups of individuals, in the absence of relevant and compelling reasons to weight the needs of one (group) more strongly than all others. In other words, allocation of public funding for breast cancer research and prostate cancer research should be equal, unless it can be shown that there is, for example, a significantly higher incidence of breast cancer in the population than prostate cancer and/or that it results in a significantly more detrimental effect on quality of life or life expectancy, which could be considered compelling reasons for a disproportionate allocation of research funds to it. Since the Ethic of Care dictates inherently partial consideration regarding individual interests and distribution of benefits/burdens, and it is extremely difficult, if not impossible, to apply such partial consideration to entire groups of people within a population, this perspective has been thought to be inappropriate to the public (impersonal) realm. Clement insists that only an extreme interpretation of the impartiality requirement disallows any partiality for family and friends, and that almost no one advocates this view. “The debate is over how this partiality is

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236 This overcomes Noddings’ problem of precluding moral relations from occurring between groups or between an individual and a group.

justified, not whether it is justified."\textsuperscript{238} The problem, rather, is to determine whether the Ethic of Care's reliance upon partiality rules out global moral concern. In replying to the objection that we cannot care for distant people with whom we have no relationship, Clement explains that caring for distant people flows from the more basic care we develop for those close to us. First we develop close relationships with nearby others, then we recognize the similarities between them and distant others, and finally sympathy/empathy and one's sense of interconnection with (all) others allows the extension of care to those we do not know. Further, the Ethic of Care is necessary to address the limitations inherent in the Ethic of Justice, for unless we feel a sense of connection to those who have Justice claims on us, those claims will not matter to us.\textsuperscript{239}

The Ethic of Care appears to give minimal weight to equal consideration of the rights of individuals, excluding it as one of the primary principles guiding actions because it is substantively of little help in the promotion of particular, contextually-sensitive interests, such as the maintenance of personal relationships. Practically speaking, under the Ethic of Justice both myself and my husband each have the right to the unimpeded formulation and pursuit of our individual interests. However, the defense of infidelity by one or both of us on the grounds of our individual right to pursue our interest in sexual relations with people outside of our relationship will do little to help maintain our relationship and may actually lead to severing it.

Appeal to individual rights simply does not provide a solution to our problem nor will it serve to promote the personal aims of maintaining our relationship; however, an Ethic of Care-based appeal to the overriding obligation to promote the welfare of those particularly vulnerable to our choices, made before infidelity takes place, will avoid the conflict and promote the aim of

\textsuperscript{238}Ibid, p. 84. Clement's emphasis.

\textsuperscript{239}Ibid, p. 85.
maintaining the relationship. Critics who maintain that the Ethic of Care has little interest in the promotion of individual rights and does not see them as overriding, argue that it is inappropriate for public application because the overriding promotion of individual rights that ensures fair treatment for all involved and corrects or avoids abuses of power is absent. However, as Clement states, this is a misinterpretation of the Ethic of Care, since “the important distinction is not between justice and care, but between the kind of rights that public policy promotes.”

The Ethic of Justice and Ethic of Care can overlap in their endorsement of positive rights in public policy, insofar as public policy should support and promote societal benefit through those positive rights that are necessary for survival: food, shelter, medical care, et cetera. Exclusively adhering to a Justice perspective which advocates negative rights (non-interference) alone, such as a Libertarian ethic, leaves out a necessary dimension of social life: we would have the right to starve unimpeded, but what good is this for establishing a meaningful life within modern society? For this reason, the Ethic of Justice advocates some consideration of social benefit through the promotion of some positive rights as being appropriate to public policy, a focus that they share with the Ethic of Care. This perspective has a further beneficial role to play in public policy, in that the positive rights it advocates can serve to prevent certain future moral conflicts by discussing and addressing group needs and establishing corresponding necessary benefits. “[I]t is a mistake to think that the ethic of justice can always or exclusively settle conflicts. It is also a mistake to limit morality to conflict resolution. The ethic of care focuses on preventing conflicts. Preventing conflicts seems at least as important as resolving conflicts that have already arisen.”

In the end, Clement views the Ethic of Justice and Ethic of Care as interdependent, both

\[240\] Ibid, p. 81.

\[241\] Ibid, p. 82. Clement’s emphasis.
equally necessary for arriving at morally appropriate outcomes and resolving difficulties within the other perspective. Either perspective, when used alone, results in distorted moral reasoning that is not representative of real life morality. For example, if one is living in a state of serious injustice, perhaps as an exploited and abused participant in a relationship, “it would be difficult if not impossible to devote the attention to others required of an ethic of care.” The inclusion of values central to the Ethic of Justice in conjunction with use of the Ethic of Care ensures that such exploitation and abuse are precluded and a morally satisfactory situation for all involved is achieved. As was shown by my example of marital infidelity and individual rights, adhering exclusively to the Ethic of Justice without giving due consideration to the values central to the Ethic of Care also results in a morally inappropriate outcome. Therefore, each perspective informed by the other allows us to distinguish between better and worse versions of that perspective, thereby revealing more adequate versions which are more capable of arriving at morally appropriate outcomes. Indeed, the interaction of both perspectives yields insights about moral relations and moral situations that neither could yield on its own because each focuses on different aspects of moral relations and values different features and goals in moral situations. Hence, Clement concludes that the Ethic of Care and the Ethic of Justice fill in the gaps in each other’s perspective, serving to balance the other, and jointly they are appropriate for utilization in both private (personal) and public (impersonal) moral realms in a way that neither alone could possibly be.

243 Ibid, p. 117.
244 Ibid, p. 113.
245 Ibid, p. 120.
3.8 Commentary on Clement’s Refined Version of The Ethic of Care

Clement appears to have provided a convincing account of the role of autonomy within and the prescriptive nature of the Ethic of Care, without distorting Gilligan’s original perspective. However, Clement’s refined Ethic of Care does not adequately answer all of the problems raised with regard to the application of this perspective to public (impersonal) morality. If the Ethic of Care and the Ethic of Justice are equally applicable and equally fundamental to morality as she claimed, then there ought to be a larger role for the Ethic of Care in guiding public morality than simply supporting positive social rights that are already required by the Ethic of Justice alone. Yet she provides no argument for a more significant, let alone equal, role for the Ethic of Care, nor any means to decide regarding appropriate policy when the demands for caring policies from two or more different social groups are in conflict. We can care about the interests and needs of individuals involved in particular groups like the Ancient Mariners Senior’s Canoe Club and the Pacific Spirit Children’s T-Ball Association, but how do we decide which group should get the community funding when it is not possible to provide adequate funding to both? The Ethic of Care simply does not provide a means by which to decide, making it ill-suited for playing a significant or equal role in public policy applications. Likewise, there ought to be a significant (equal) role for the Ethic of Justice in guiding private (personal) moral relations, yet Clement does not discuss exactly what this significant role would be beyond stating that it acts to preclude exploitation and abuse. While I accept almost all of Clement’s refined formulation of the Ethic of Care, I do not believe that she has provided adequate substantiation for her claims that the Ethic of Care should have an equal role in public policy applications and that the Ethic of Justice has an equal role in private (personal) moral relations. As I shall discuss in chapter VI, I agree that there is a role for the Ethic of Care in public policy and for the Ethic of Justice in personal relations, it
is simply not an equal role.

Further, even if Clement’s claims in this regard were compelling, we would still be left with the problem of how to relate these perspectives on their equal footing. If they are both equally applicable, then how does one determine which to use in a particular situation, especially when the demands of each perspective conflict? Consider, for example, parents with three young adult children, one of whom is extremely needy, constantly moving from one personal crisis to another, while the other two children function as well-adjusted, contributing members of both their family and society. How might these parents decide between the demands of the Ethic of Care, which calls for more attention and assistance be given to the needy child in order to promote her well-being, and the demands of the Ethic of Justice, which calls for a fair consideration of interests and distribution of benefits/burdens—that is, the amount and quality of attention and assistance—be given to all the children? If the parents base their decision on the contextual details of each given situation, then it is clear that the needy child in crisis will receive the lion’s share of the attention while the well-adjusted children will receive very little, perhaps causing resentment on their part and impairing family relationships. Only by having a particular pressing need or crisis of their own can the other two children hope to get equivalent care and attention, which will promote their well-being. However, if the parents give strictly equal care and attention to all of the children, then the needy child will not receive all that s/he needs. She may feel neglected or her emotional problems may not be adequately addressed, resulting in inappropriate behaviour on her part that negatively impacts on herself, the family, and society at large.

If the principles of the Ethic of Care and the Ethic of Justice are equally applicable and appropriate to a given situation, decision makers will find themselves faced with the difficult task
of ranking or prioritizing principles from each perspective with no guide as to which might be more deserving of priority, particularly since Clement claims that both perspectives are equally fundamental and neither is more basic than the other. This is extremely problematic, since action choices which cannot appeal to a particular prioritized principle for justification run the risk of being arbitrary. Clement does not provide an explicit statement about how to determine which view is the most appropriate for use when they conflict. Indeed, she acknowledges that “[t]he two ethics will tend to have different things to offer in particular moral deliberations....[t]he contributions of the two ethics will not always be consistent with one another”, but the only answer to this problem that she offers is to state that “[i]ntegrating the two ethics requires recognizing that such conflicts between the ethic of justice and the ethic of care do not mean that only the ethic of justice is relevant.”246 She insists that the Ethic of Care is relevant as well, but offers no means to deal with instances of inconsistency between the two perspectives. Either some determining factor must be identified which accounts for the choice to use the Ethic of Justice rather than the Ethic of Care and vice versa, or else the two perspectives cannot be equally applicable. If there is no determining factor which dictates a choice between the two perspectives when they are in direct conflict, then the decision of which to choose is completely arbitrary and therefore unjustified and unpredictable—which means that it cannot meet its prescriptive and justificatory obligations as a viable moral theory must be able to do.

The problem here is obviously Clement’s insistence upon the equal status of the Ethic of Care and the Ethic of Justice. While it seems straight-forward that the Ethic of Justice can and in many cases should inform and therein improve the Ethic of Care and vice versa, it is not obvious that they are equally fundamental and equally applicable. In an attempt to substantiate her claim

246Ibid, p. 121.
for equality, Clement referred to the apparent fact that the Heinz dilemma is neither fully represented nor resolved by appeals to one or the other perspective. To emphasize the need for consideration of the Ethic of Care in conjunction with the Ethic of Justice, she pointed out that consideration from the Ethic of Justice alone entails that it is always right to steal in order to help strangers in need, a conclusion that many, including Kohlberg, would not accept. Acknowledgment of Heinz’ special obligations to his wife because of their intimate relationship and her particular dependence upon him and vulnerability to his actions avoids this conclusion, thereby illustrating the need for the Ethic of Justice to be informed by the Ethic of Care in this case. However, her ‘substantiation’ for the necessity of consideration of the Ethic of Care within the Ethic of Justice is considerably weaker: “Amy seem[s] to base Heinz’s obligation less on his personal relationship to his wife than on a general responsibility to help anyone in need. This suggests that the Heinz dilemma is not solely a personal situation.”247 In the case of the Ethic of Justice uninformed by the Ethic of Care, the conclusion entailed is unacceptable, but this is not the case for the Ethic of Care uninformed by the Ethic of Justice. The Ethic of Care alone could solve the Heinz dilemma, in spite of Clement’s belief that the assertions of two individuals – who may only be reflecting their socialization to believe in the primacy of the Ethic of Justice or perhaps they just ‘got it wrong’ – represents proof that the Ethic of Care must be informed by the principles of the Ethic of Justice. It appears that Clement had such a commitment to the equality of the Ethic of Justice and the Ethic of Care that she does not see the evidence of their inequality within her own writing.

Another example of this may be found in her final chapter. Here she lists the various problems with reliance upon the Ethic of Justice alone and explains how the Ethic of Care can

247Ibid, p. 70.
balance these problems, before listing the problems with exclusive reliance on the Ethic of Care and explaining how the Ethic of Justice can balance them.\textsuperscript{248} Clement states that "[a]s I have shown, the ethic of care is subject to as many distortions as the ethic of justice, so that just as it is a mistake to think that a society governed solely by justice would be a good one, it is also a mistake to think that a society governed solely by care would be a good one."\textsuperscript{249} However, a count of Clement's list shows that the distortions of the Ethic of Justice number six, while there are only two listed distortions of the Ethic of Care. Therefore, her claim above is obviously proven false by her own evidence. I can only conclude that Clement believes that the Ethic of Care was made better by the inclusion of Ethic of Justice principles and vice versa, but that she is unwilling to accept the repercussions she sees resulting from viewing one perspective as more fundamental or applicable than the other, so her only available option is commitment to them both equally. Indeed, she hints that this may be the case:

\textquote{[I]t seems a losing battle to try to decide which of the two ethics is really more basic. Whenever we find a way in which one ethic seems to be more basic than the other, we can find another way in which the other ethic is still more basic. It seems clear that both ethics capture something real and important about morality, and that insisting on ranking the ethics trivializes the contributions of the ethic deemed less basic. It also seems to presuppose that one of the two ethics, in its standard form, is correct, ruling out the possibility that its interaction with the other ethic might be productive.}\textsuperscript{250}

What she does not seem to notice is that one perspective may actually be more fundamental than the other, (something that is at least indicated by Clement's own evidence) and that if this is the case, it would not necessarily trivialize or preclude the contribution of the other perspective to

\textsuperscript{248}Ibid, pp. 110-112.

\textsuperscript{249}Ibid, p. 116. Emphasis mine.

\textsuperscript{250}Ibid, p. 117.
the more fundamental one. If we recognize this possibility, then we need not remain committed to the equality of the two perspectives and the problems that entails.

The problems associated with placing the Ethic of Care and the Ethic of Justice on an equal footing—the problem of prioritization when the perspectives conflict and the exact degree of contribution of the Ethic of Care to public policy applications and the Ethic of Justice to personal relations—are not enough to ‘sink’ Clement’s revised Ethic of Care. Instead of viewing the Ethic of Care’s minimal contribution to public policy and the Ethic of Justice’s minimal contribution to personal relations as problems in need of resolution, I suggest in chapter VI that it is possible to provide an adequate integration of these two perspectives which acknowledges this minimal contribution as correct and appropriate and at the same time provides practical action guidance for the entire range of moral relations. While the problem of prioritization remains a problem to be overcome, in chapter VI, I do so, indicating when prioritization is necessary and suggesting a means of prioritization when the two perspectives conflict. The fact that the difficulties with Clement’s refined Ethic of Care may be overcome, in conjunction with its formulation as a (potential) normative theory, makes this account the most comprehensive and least problematic version of the Ethic of Care to date.

Finally, it is important to make one last comment with regard to the term chosen to refer to the moral decision-making perspective that Gilligan identified and which subsequent proponents, like Clement, continue to use. Since Gilligan was conducting a psychological study of women’s moral decision-making processes, and women are socialized to think and speak in terms of caring attitudes, it is not surprising that Gilligan chose ‘the Ethic of Care’ to represent what these women were doing and the language the women themselves used. The term ‘Care’ has both psychological and emotional meaning that is an integral part of Gilligan’s project and
therefore is appropriate to represent her findings. However, the term ‘Care’ presents many problems at the philosophical level due to its ambiguity. What exactly does it mean to *care*?

Does this mean that I must love you, that I must feel involved as a stakeholder in securing your well-being, that I must provide services of care (as a nurse or domestic assistant might) to you? On the basis of this ambiguity, Peter Allmark, Joy Kroeger-Mappes, and others have made the criticisms recounted above regarding Gilligan’s version of the Ethic of Care, that caring values or principles cannot be made prescriptive. How can a moral theory demand that you care about and/or love a particular person? How can it demand a particular *feeling*? This would make moral treatment of people one dislikes or even hates impossible, as well as excluding all people one does not know (and therefore cannot love or care about) from moral consideration.

As illustrated above, Clement shows that it is possible to make the central principles of the Ethic of Care prescriptive, but this is because the central principles as explicitly identified by both Gilligan and Clement are to avoid or minimize harm and maintain relationships. Neither of these principles require that individuals *care* about or love the others involved in the moral situation.  

No particular emotions are required, only *actions*—which happen to be *consistent with* feelings of caring, but which may also be mandated in the absence of such feelings. Therefore, the perspective overcomes the most significant criticisms of it only when one looks at the substance

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251 It is the absence of a particular feeling or sentiment at the normative level of the Ethic of Care that motivates me to exclude discussion of a major moral philosopher and his theory that some might consider appropriate to include. As Annette Baier contends in “Hume, the Women’s Moral Theorist?” (in Kittay and Meyers, 1987), Hume’s theory is particularly appropriate to women’s moral theory because Hume claimed that morality ultimately rests on the sentiment of sympathy and is the motivator for action. (p. 41) Certainly sympathy has a place in Gilligan’s theory of moral development, as it reflects the terminology women used. However, since sentiment or feelings, sympathetic or otherwise, are not necessary for the normative account of the Ethic of Care, Hume’s discussion of sympathy would be an interesting diversion, but is not directly relevant for the current project.
of the perspective, what each author actually says the principles of the perspective are. It is when one does not thoroughly read the material and/or focuses on the term ‘Ethic of Care’ with all of its associated connotations that problems arise.

For this reason, I have reservations about the term ‘Ethic of Care’ and believe that a more appropriate term ought to have been chosen, one that more closely represents the substance of the perspective. The substitution of another term for ‘Care’ would go a long way toward minimizing some of the resistance to the perspective that has been exhibited both in the literature and in verbal discussions about it. It would minimize the worries about exploitation that arise from interpreting ‘Care’ as meaning ‘providing caring services’, which makes it appear to some people that the Ethic of Care (wrongfully) calls on women, as primary providers of caring services, to serve the rest of the population. It would remove the ambiguous term that raises the issue of the impossibility of making feelings of love and care prescriptive and in doing so questions the validity of the perspective. It would also remove any gender-specific connotations associated with ‘Care’ that could make it unpalatable to some men who see it the perspective as only a ‘women’s ethic’. Perhaps a better term would be ‘the Ethic of Relationships’, which is gender-neutral in its connotations, although this term might prove problematic in the long run, or there may be a term that is even more appropriate. However, it is not my intention to select a new term and rename the perspective, merely to point out that the choice of ‘Ethic of Care’ for this perspective creates unnecessary problems. Since all of the philosophical literature refers to this perspective as the Ethic of Care, I will continue to do so.

These problems must not be allowed to obscure the reader’s understanding of what the substance of the perspective is. Otherwise, in spite of the improvements Clement made to the perspective, readers might be left with the (incorrect) impression that the Ethic of Care, with all
the connotations associated with the term ‘Care’, is still inherently flawed. This is not the case. Substantively speaking, Clement has provided a strong and compelling version of this perspective, the minor difficulties of which have nothing to do with the term ‘Care’ and all that that implies.

3.9 Summary

This chapter began by recounting Gilligan’s own empirical studies into women’s moral development which led to her identification of the Ethic of Care. Women, she noted, tend to use a narrative and contextually-focused approach to moral decision making, viewing morality as arising out of the interdependence of all persons and aimed at maintaining those relationships and minimizing or avoiding harm for all involved. Moral dilemmas are about who is going to be hurt more by considered actions and the various solutions are not weighed in Kohlberg’s Stage 6 abstract terms, but rather in terms of the actual consequences for the lives of the persons involved. Moral development on Gilligan’s three-stage model is characterized by a progressively more adequate understanding of human relationships and mutual interdependence as women move from extreme selfishness through extreme altruism to finally arrive at recognition of the need for equal consideration of all relevant interests, including her own. The first half of the chapter began with a commentary on Gilligan’s conception of the Ethic of Care which identified its inherent problems, such as the non-prescriptive nature of its values, its rejection of individual rights and autonomy, and its inadequacy for public policy formation, and ended with a discussion of Noddings’ problematic relational account of the Ethic of Care.

The second half of the chapter was devoted to Clement’s revised formulation of the Ethic of Care. Clement manages to retain the central features of Gilligan’s conception while at the same time overcoming the most difficult problems associated with it. Clement suggests that critical
reflection is necessary to ensure that one's moral decisions are one's own (as far as is possible within the constraints of social influence), and that it is that fact, rather than a dependence on free choice between equals, that establishes personal autonomy. This allows a place for autonomy within the Ethic of Care perspective. Clement also explains how the Ethic of Care can be prescriptive by appealing to Goodin's argument that individuals have a moral obligation to consider the interests of those who will be directly affected by and vulnerable to the situation and decision, with the degree of consideration given comparable to the degree of their affectedness and vulnerability. This is to say that those who will be most directly affected by the situation and decision made are morally deserving of the most consideration when the decision is being made. This justifies the particularity and special obligations integral to the Ethic of Care while also mandating consideration for those distant from us in both time and location insofar as they will be directly affected by the situation and decisions made. Clement also, with considerably less success, tries to establish that the Ethic of Care is capable of being utilized for public policy formulation. This was a statement that I disagreed with, because I believe that the Ethic of Care cannot and should not have a significant, let alone equal, role to play in public policy formulation: its values simply are not compatible with the values necessary for public policy. Acknowledging this, however, is not the problem that Clement thought it was, as I will show in chapter VI.

Finally, Clement states that the Ethic of Care and the Ethic of Justice are both equally fundamental and equally necessary for morality, a statement which causes her problems since she does not provide a method of prioritization to be used when both perspectives conflict, as they must do in some instances. However, this is not necessarily a crippling problem for this version of the Ethic of Care, and I will provide a prioritization method in chapter VI. Clement's revised formulation of the Ethic of Care is the most comprehensive and least problematic of those put
forward in the philosophical literature, and as such it is this version that I take to be the paradigm for the rest of this project.
Chapter IV

Moral Realms and Moral Theories: Should There Be Only One?

In the present chapter I return to the Ethic of Justice in order to determine whether the prevalent view that moral theory must be essentially Justice-driven is correct. In the course of the discussion, an important distinction between theoretical morality (thinking about morality) and ‘real life’ moral decision making (acting morally) will become clear. I suggest that while the view of both the aim of moral theory and of what constitutes an appropriate theory to uphold this view is correct, it is also incomplete, for it leaves an entire range of moral relations unaccounted for. Drawing on distinctions made by John Hardwig, I propose that there are two realms of moral relations, a public realm pertaining to strangers, acquaintances and colleagues that may be termed ‘impersonal’, and a personal realm pertaining typically to friends and family, which is termed ‘personal’. Each realm is governed by its own particular theory and in each of which that moral theory has a different aim. With the two-realm view of moral relations in place, I will then determine whether the requirement that interests be considered and burdens be distributed impartially is justified in both realms. Specifically, I intend to show that the impartiality requirement is directly appropriate only regarding theories or perspectives associated with impersonal moral relations. When this view of moral theory is utilized in personal moral relations it either provides no morally adequate answer for moral dilemmas or provides an answer that is morally unsatisfactory, and sometimes even unpalatable. Since a moral theory must be able to provide practical action guidance and a justification for action choices in all moral conflicts and since the Ethic of Justice which is associated with the impersonal realm cannot do this, it would be inappropriate to consider this perspective as the moral paradigm that governs the entire range
of moral relations. As a result, the fact that the Ethic of Care is not compatible with the impartiality criterion integral to this socially-oriented view is not a sufficient reason to disregard the Ethic of Care as a potential moral theory governing some aspect of moral relations. Whether the Ethic of Care actually is a moral theory in its own right, or comprises only a part of a moral theory, will be discussed in chapters V and VI.

4.1 Problems with the Socially-Oriented View of Moral Theory

Is it actually the case that morality has an inherently social focus, that it aims at regulating competitive interests, and that it occurs between rational ‘equals’ who freely choose to enter into moral relations as Rawls suggests? Does this view of morality correctly and adequately reflect our actual or ‘real life’ interactions with others, as it must do if it is to act as a practical action guide? If this is in fact the correct view of moral theory, then all moral relations will be capable of being characterized in this way and all moral problems adequately resolved by appeal to the values of the Ethic of Justice.

It is the case that moral relations can be conceived as aiming to secure predictability of an individual’s action choices while maintaining or promoting her ability to formulate and pursue her own interests. It is also the case that a moral theory based on the principles of Justice will promote these aims and can therefore be unproblematically applied to moral situations that occur within the impersonal realm. In the social, political and business realms, moral problems are concerned with regulating competing interests and goals. For example, the interests a shop owner has in obtaining the highest price for her products while at the same time retaining and increasing client patronage is in direct opposition to the interests that a patron has in obtaining products at the lowest price and will dictate that the shop owner does not cheat the patrons and honours her
contracts with them. Since the individuals involved are usually adult acquaintances and strangers, they expect to be treated as rational individuals who prefer to receive impartial consideration and to be treated as if they were equal in moral situations. Doing so ensures that all involved will be unimpeded in the formation and pursuit of their individual interests. By respecting one’s moral commitments to keeping one’s promises, agreements and contracts, control aggression, impartially distribute burdens and distribute benefits according to merit, the individual is fostering situations that allow herself and others to pursue their own interests with only minimal, accepted impediments. However, the problem begins when one applies this view to moral relations of an entirely different nature with the expectation that a satisfactory moral resolution is possible.

There are many moral relations that lie outside of the social, political and business realms, involving individuals much closer to oneself, which have aims other than the moderation of competing interests. Motivations other than the desire to be left free to pursue one’s own goals unimpeded come into play in these relations. These include the desire to bring happiness or good to, or assist in the achievement of, a satisfying life for oneself and others. Many parents, for example, are motivated to fulfill their moral obligations toward and instill moral values in their children based on the belief that only by doing so can they enable the children to achieve a satisfying and/or happy future life. If parents do not honour their obligations to provide adequate food and medical care, the children may fail to survive to adulthood or may do so with a debilitating but avoidable physical condition. Likewise, if a child is not taught moral values and does not learn to respect the moral rights of others and expect that they do the same for him, he will have significant problems interacting with people and that will negatively impact his chances for a happy life. If he does not respect the rights of others to their property and simply takes what he wants, he will go to jail as a thief; if he does not expect that other’s uphold the right to privacy
owed to him, he may be sexually exploited and experience life-long emotional damage because of it. The parents who care about promoting the welfare of their children are not guided by the motivation of non-interference, nor by the assumption that if they fulfill their moral obligations toward the child, then the child will leave them alone so that they all may be free to pursue their own life goals unimpeded. Indeed, to be ‘left alone’ by their children is one of the last things that most parents would want to have happen, and often their own life goals are dependent in large part upon maintaining a relationship with their children and grandchildren.

While many personal moral relations do involve rational individuals, it is clearly the case that not all moral relations occur between adults, or between rational, fully autonomous adults, or between individuals with equal power, or must involve only human beings. We recognize moral obligations as existing between siblings, parent and child, and between a caregiving spouse and his wife who is slowly succumbing to Alzheimer’s disease. Typically there is dependence on one side of the relationship and a significant degree of power (at least within the given context) on the other side. Nor is it the case that such relationships are voluntarily assumed by fully rational and autonomous individuals and are therefore of a contractual type. None of us chooses our parents or siblings, and in some cases we might gladly exchange them for others if it were possible to do so, but nevertheless we regard ourselves as having certain obligations towards them – to provide a level of care and attention to them beyond what is expected of strangers or even friends, in addition to the typical obligations of honesty, respect, and the provision of occasional assistance – and deems us worthy of moral censure for failing these obligations. Further,

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252 This latter point acknowledges that many humans recognize moral obligations (pertaining to themselves, at least) in their relationships with animals or perhaps the environment. It is not within the scope of this project to determine whether such obligations actually exist or whether one can have a moral relationship with something not human.
coercion, lack of information, stress, anxiety and illness may all impair autonomy and rational capacity\textsuperscript{253}, yet we recognize that there are still binding moral obligations existing for both the physician and patient, parent and child, or between partners.

4.2 A Reply to the Sceptics

At this point the sceptic may make two objections: first, that Rawls’ theory is a theory of \textit{social} justice which was not meant to pertain to private family relations and that to use it to show that an Ethic of Justice can have a morally unpalatable result when used in these types of moral relations is an inappropriate use of the theory; and second, that these types of relationships are examples of non-moral relations.

With regard to the first objection, it would be compelling if it were true that Rawls’ theory explicitly excludes the family, but it does not. Rawls makes brief reference to the family in only three contexts\textsuperscript{254} in \textit{A Theory of Justice}, which could be easily overlooked by readers. Rawls is also criticized in the philosophical literature for his failure to discuss the family in any substantial detail.\textsuperscript{255} These facts, plus the fact that Rawls makes passing comments that suggest the family could reasonably (though not necessarily) be abolished within his system, could lead readers to assume that there is no place for the family in the theory. Rawls mentions the family, or rather the head of a family, as the link between generations that is necessary for supporting the just savings principle and duties owed to future generations. He also notes that the inequalities among

\begin{itemize}
\item \textsuperscript{254}Okin, 1989, p. 94.
\item \textsuperscript{255}See Okin 1989; also: Kearns, Deborah. 1983. “A Theory of Justice and Love–Rawls on the Family” in \textit{Politics: Journal of the Australasian Political Studies Association}, 18:2:36-42; and finally, the discussion of Clement on public/private in chapter III.
\end{itemize}
families is an obstacle to the fair equality of opportunity: "the principle of fair opportunity can only be imperfectly carried out, at least as long as some form of the family exists." Later, he continues with this point:

It seems that even when fair opportunity...is satisfied, the family will lead to unequal chances between individuals. Is the family to be abolished then? Taken by itself and given a certain primacy, the idea of equal opportunity inclines in this direction. But within the context of the theory of justice as a whole, there is much less urgency to take this course.

Finally, Rawls refers to the family as the first school of moral development, where he states:

I shall assume that the basic structure of a well-ordered society includes the family in some form, and therefore that children are at first subject to the legitimate authority of their parents. Of course, in a broader inquiry the institution of the family might be questioned, and other arrangements might indeed prove to be preferable...Since we are assuming that the society is well-ordered we may suppose, so as to avoid needless complications, that these precepts are on the whole justified. They accord with a reasonable interpretation of familial duties as defined by the principles of justice.

It is evident from these passages that Rawls did include the family within his theory of justice and that he believed that familial duties could be (were assumed to be) in accordance with the principles of justice. While it may be true that Rawls is not purporting to give us the whole moral story, the fact that he includes the family implies that he believes that the two different types of relationships could be dealt with by his theory. This effectively refutes objections that there is no place for the family in Rawls' theory, and allows the use of the Ethic of Justice within the family as a means to illustrate its inadequacy in this regard.

However, even if one does concede that there is room within Rawls' theory for the inclusion of a more adequate family or private (personal) realm account, this still does not exclude

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256 Rawls, 1999 [1971], p. 64.
258 Ibid, p. 405. Emphasis mine. See also p. 429.
the Rawlsian theory from illustrating its inadequacy *in its current form* for resolving private (personal) moral issues. Kohlberg, as well as others who wish to illustrate the deficiencies of the Ethic of Care by contrasting it with (typically) a Rawlsian version of the Ethic of Justice, do not seem to see that this version is incomplete as far as it leaves out a full account of private morality and as such it simply cannot provide practical action guidance in all private moral situations. A guiding theory that fails to provide any answer at all is only marginally less problematic than one that provides a morally unpalatable answer.

I will now turn to the second objection, that personal relationships should not be considered as exceptions to the socially-oriented view as they are examples of non-moral relations. Kohlberg accepted Rawls’ assertion that “[m]oral persons are distinguished by two features: first they are capable of having (and are assumed to have) a conception of their good (as expressed by a rational plan of life); and second they are capable of having (and are assumed to acquire) a sense of justice, a normally effective desire to apply and to act upon the principles of justice, at least to a certain minimum degree.”259 If morality is aimed at regulating competing interests between rational equals, then any relations which do not reflect this characterization simply are not moral relations.260 Any moral relations between intimates must conform to this formula and all behaviour can be regulated by application of the values associated with the Ethic of Justice: impartiality, fair or equal distribution of burdens, and non-interference.

The most obvious response to this criticism is to point out that asserting, as Kohlberg does, that only one conception of morality is correct and that any situation not conforming to it is simply not moral, is to stack the deck in favour of one’s own moral attitudes. Why is it that one

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must have or be capable of acquiring a sense of Justice and the desire to apply and act upon its principles in order to be moral? Is it really the case that, without a sense of Justice and the desire to promote its principles, one cannot be fully moral? There need to be clear reasons given why relations which do not conform to the socially-oriented view of moral theory but do involve issues of right, good, obligation, and responsibility are not fully moral, and these reasons have not been forthcoming. Merely asserting that these relations are not fully moral and that the socially-oriented approach is the only fully moral approach does not establish that such assertions are true.

Of course, it is also the case that merely asserting that such relations are fully moral does not establish that they, in fact, are. To establish that such relations are moral, we need examples that do not conform to the view that the aim of moral theory is promoted by Justice but still involve unquestionable moral language. The following are just such examples:

1. A couple with two young children move across the country so that the wife may join a national ballet company with the hope of one day becoming their principal dancer. They have no family or friends in the new city that they can appeal to for assistance and support. The wife must rehearse at the studio six days a week and returns well into the evening, mentally and physically exhausted and without the emotional resources to do much more than play briefly with her children before bed. When the troupe is on tour, she must be away from her family for extended periods of time. The husband, who has left behind a position of respect at a job with accumulated seniority, benefits, and wages well above the rate for newly-hired employees, foregoes seeking employment in order to exclusively assume all childcare and family maintenance duties, despite a lack of aptitude for the work and a growing feeling of 'wasting his talents' and being intellectually unfulfilled. What should each partner do?

2. A family perceives that their son/brother exhibits the signs of depression: withdrawal from friends and family, apparent apathy and disinterest in life in general, lethargy, weight loss, complaints about never getting enough sleep, and a bleak and pessimistic attitude about his life and future. After six months, his family believes that his condition is worsening and, afraid that he might cause himself harm either through neglect or willful action, speaks with his personal physician in an attempt to get him treatment—through forcible confinement, if necessary. Is this the right course of action for the family members to take?
Both of these examples involves a question of right, good or obligation and, through their employment of moral terms and issues, these should be considered as being concerned with moral problems. The first involves the good of all family members: the children, the wife who is training to be elevated to principal dancer and the husband who has assumed, without financial compensation, all the work of maintaining the family in spite of his growing personal dissatisfaction. The second example involves the good of the son/brother as well as his rights to both privacy regarding his medical condition and needs and non-interference regarding the formulation and promotion of his own life plan.

By considering both of these examples, it is possible to see how the Ethic of Justice will either fail to provide an answer adequate for practical action guidance or will provide an answer that is morally unsatisfactory or unpalatable. In the first example, the couple have agreed that what they should do is all work together to promote the wife’s welfare and future interests and, by extension, the overall welfare of the family. Since the husband already has education and significant experience in his field of employment that he can use to his advantage later, while the wife has an inadequate amount of education and no employment experience in her desired field, they have agreed that it is right for the husband to allow himself to be exploited and for the family’s situation to be temporarily diminished so that the wife’s situation and opportunities may be (vastly) improved. Specifically, the husband considers it morally appropriate that he help improve the situation for his wife, even at his own expense. However, the moral appropriateness of this arrangement cannot be dictated or justified through appealing to any of the central values

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262 'Good' in each of these cases refers to the emotional well-being of the individual as well as safeguarding and promoting his or her continuing ability to formulate and attempt to achieve personal goals and interests.
associated with the Ethic of Justice; some other moral theory must be at work behind their reasoning.\textsuperscript{263} Impartial consideration of the needs of all family members as well as a distribution of benefits and burdens according to fairness, merit or entitlement does not allow the exploitation of the husband that occurs in this situation, even if that exploitation is voluntarily assumed, and Rawls' theory of justice as equality/fairness is silent in this regard.

The Ethic of Justice can provide an answer to the second example, but it is an unsatisfactory and morally unpalatable one. The family in this example know a great deal more than anyone else about their son/brother's personality, interests, past history and future plans. They are in the best position to judge whether or not the changes exhibited by the man are completely out of character and may therefore indicate the presence of a significant problem. Even the man himself may not be in the best position to judge these changes within the wider context of his past personality, values and actions, because it may take people with depression a long time to recognize that there is something seriously wrong in their lives or to recognize what that is, and even then the depression may cause them to be apathetic toward getting help.

Therefore, in answer to the question whether the family's intervention and overstepping the man's prima facie rights to self-determination is the correct course of action in this case, the family would claim that they are justified in taking this step because doing so promotes the man's welfare and minimizes or avoids significant harm to him. The Ethic of Justice, however, would dictate that the family treat the allegedly depressed man as they would any other adult who is capable of making his or her own decisions\textsuperscript{264}, and leave him to get help if and when \textit{he} deems it necessary.

\textsuperscript{263} Although stating exactly what that moral theory might be will be left for subsequent chapters.

\textsuperscript{264} Autonomy is not an all-or-notion capacity; for example, one may have diminished autonomy with regard to making medical decisions (due to stress or lack of understanding) but be substantially autonomous regarding financial decisions. The man's
After all, it is possible that the depression is mild and not debilitating or life-threatening, or that the family may be mistaken about the symptoms and/or the underlying reasons for the changes. Approaching the man’s personal physician without his knowledge or consent is, according to the Ethic of Justice, to ‘overstep the bounds’ of right behaviour, regardless of who does it or why. However, this might not be the right approach for the welfare of the depressed man, particularly if he is left to make his own decision and decides to commit suicide. While promoting his individual rights may make perfect sense at a theoretical level, when we are thinking about morality, it does not adequately reflect what the family of the man consider when they are actually making decisions within the situation. In real-life decision making, they consider themselves morally justified in weighting their obligation to promote his welfare more heavily than promotion of his individual rights, particularly given the possible outcome of respecting those rights.

Further, the family will probably try to respect his rights to autonomy, privacy and non-interference at least initially, and will attempt to help him themselves or convince him to get help before they take the drastic step of approaching the man’s physician. Hence, it is not that they disregard his rights as such, but rather that these rights are in practice subjugated to the dictates of the individual’s own good when the situation is severe enough to warrant it. Finally, if the family were to respect his rights and do nothing, effectively ‘allowing’ the suicide to take place, they would not comfort themselves by claiming that they ‘did the right thing’ by following the Ethic of Justice’s dictates. Instead they would believe that they failed to do the right thing, that they neglected their obligation to safeguard and promote the well-being of their son/brother and that his death is, in part, an outcome of that neglect for which they are morally responsible. But what if the family is mistaken about the degree or even presence of depression and the threat it
holds for the man, and therefore the infringement upon his rights is also mistaken? In actuality, it
would probably not come to this point because the family would attempt to ascertain to the best
of their ability the true nature of the situation before taking such extreme measures. However, for
argument’s sake, if they were honestly mistaken and could point to what they believe to be
significant evidence for their beliefs when they approached the physician (who would not take
action otherwise), then their mistake would likely be excused on the basis of their love and
concern for their son/brother, their familial obligations to him, and their belief that it is ‘better to
be safe than sorry’. The potential for harm to the man is simply too great for the outcome
dictated by the Ethic of Justice to be morally palatable in this case.

4.3 The Difficulty With Impartiality and Personal Relationships

Impartiality is perhaps the most essential principle in the socially-oriented view of moral
theory. Impartiality requires that in moral deliberation each individual’s interests be considered
as being equally important and valuable. This means that there are no ‘privileged’ individuals and
no one person has special importance or status. However, the foregoing has shown that, in
personal moral relations, some individuals are viewed as having special importance and are
therefore owed extra moral consideration. I contend that while the requirement of impartiality
can be applied to address conflicts within personal realm of moral relations, the results, as was
shown above, are in large part morally unsatisfactory and as such cannot constitute an adequate
resolution of the conflict. I suggest that impartiality plays a minimal role in relations between
friends and family and that this role is limited to facilitating the smooth functioning of the
mechanisms of daily living, such as directing the allocation of burdens for domestic and child care.

The requirement of impartiality is meant to help achieve and maintain a state of equality or fairness in which mediation of conflicts between competing interests and justification of the moral decisions is made possible. However, as has been shown above, not all moral relations are about competition of interests between equals. Some moral relations are primarily motivated by attaining or assisting in the attainment of the good of the individual, insofar as ‘good’ refers to a satisfactory or desirable state of affairs for that individual, one that typically promotes their welfare and happiness. In these instances it is often the case that one individual will actually set aside, either temporarily or permanently, his or her own interests and desires in order to help improve the situation for the other individual. The individual aims at promoting the interests of another person or group of people, such as the family, even if doing so must be at his or her own expense. This is to say that safeguarding and promoting the good of individuals who are directly affected by our choices can temporarily or permanently override our individualistic concerns. This is most often seen in families where the parents or partners make certain sacrifices in order to focus on the needs and desires of their children or partner. A woman may put her career on hold while she cares for her children in the first years of their lives, with the recognition that she will be delaying and perhaps even losing an opportunity to learn and advance within her field. Likewise, a husband may embark on a cross-country move with his wife so that she may pursue her dream of being a prima ballerina, all the while recognizing that he is leaving behind a personally desirable work situation with accumulated wage level, seniority and benefits and will have to find a new entry-level position lacking these advantages. Familial sacrifices of lifestyle and comfort level for the sake of their children’s or partner’s good are common, resulting in the

\[266\] It should be noted that there is a similar example of such sacrifice in the impersonal realm, in those situations where an individual puts aside his or her interests and perhaps welfare in order to promote the interests and welfare of the nation, such as in military service.
forgoing of vacations, a bigger home, a newer car or more expensive furniture in order to provide for music and swimming lessons, or summer camp, or to save for the children's or partner's university education. The future good of the family or particular members is viewed as more compelling and of higher immediate value than the promotion of particular current individual interests. In these cases, individuals willingly place themselves in a worse position for the sake of the other's advantage—which is itself the only advantage that the individual expects to receive for him- or herself! This is certainly not equality of treatment or opportunity, for one (or more) is disadvantaged specifically in order to benefit another, nor are such decisions made according to a principle of non-interference. Family members do not view themselves as atomistic units whose well-being is entirely separate from the well-being of the other members. Family life is not primarily a matter of regulating the competition of individual interests, but rather a matter of determining what is the best way to achieve the good of particular individuals and the family as a whole.

Given that it is achieving and maintaining the good of the individual and the family that is of primary importance within these types of relationships, we must consider how far impartiality is compatible with this aim of moral theory. Doing so will also help to address the concerns of the sceptic who steadfastly maintains that there is a role for impartiality even in close personal relationships. The sceptic and I concur that there is a role for impartiality in these types of relationships, but we disagree about the scope of that role.

I suggest that the role of impartiality in personal relationships is limited to those situations which facilitate the smooth practical functioning of the relationship or family unit. These practical tasks, such as buying the groceries, taking out the trash, doing the dishes and laundry, et cetera, are relevant to the interests of all individuals within the relationship or family, independently of
who they are, because if the family and home do not run smoothly it may be more difficult for
them to achieve their individual desires. This is to say that regardless of whether one is a partner,
parent, or child, she still needs the groceries to be bought and the trash to be taken out, and it
matters little who does the task, so long as it gets done. If there is constant conflict about minor
issues, such as whose turn it is to pay the bills or prepare dinner, then the necessity of dealing with
these issues will detract from consideration of more important issues. If a wife and mother feels
that she is constantly doing more than her fair share of work around the house while her husband
and daughter do little, then she may experience increasing resentment and anger and this is likely
to spill over into her dealings with them. It may be the case that she is consistently late for work
because first her husband and then her daughter occupy their only washroom for too long in their
own preparations for the day. These situations involve a competition of interests, specifically the
interest that all three of them have in preparing for work and school so as to arrive at those places
at the appointed time and thereby avoid penalties for tardiness. This competition of interests and
the equality of each family member’s need to have these tasks performed indicates that these
situations are more like those involving public (impersonal) relationship issues than like private
(personal) relationship issues such as those outlined in the above examples.

Substitutability of individuals is also applicable in these practical situations because it does
not matter who does the work, so long as it gets done, whereas in the personal relationship
conflicts above it does matter who the individuals are and changing one of the individuals very
likely means making a different moral decision. As such, these situations are most appropriately
dealt with by appealing to Justice as equality or fairness as achieved through impartial
consideration of the interests of all concerned and the impartial assignment of burdens. The
family may draw up a ‘family jobs’ calendar, making explicit each family member’s duties and a
time frame in which they must be completed. While the exact division of labour may not be equal, for example, the wife may do more laundry in a week than her husband because her schedule accommodates it better than his, the overall division of tasks will likely tend to be more equitable. Perhaps her husband washes more dishes than she does, or deals exclusively with the trash. Hence, by a system of functional equality in division of household tasks and an impartial assignment of tasks to all who are able, the family can facilitate the smooth running of the home.

Nevertheless, the promotion of the good of the family and its members as a moral issue is of primary importance and as such will override the call for the impartial consideration of interests and the impartial divisions of family labour. It may be the case that the husband will function as the primary caregiver to their child because the wife is putting in long hours at the rehearsal hall preparing for a performance and most of her time and attention is required for that purpose. In this way, certain members of the family may accept a disproportionate household workload because doing so helps to promote the welfare and best interests of certain members and the family as a whole.267 The value of impartial consideration of interests, in conjunction with equal distribution of burdens, is limited to smoothing household functioning and may readily be superceded for the overall good of the family. Therefore, the mechanics of family functioning is an important but rather minor aspect of the family's total existence. It is necessary but not sufficient for achieving and maintaining the good of the family and its members.

The main difficulty with requiring impartiality in personal moral relations, therefore, is that it is depersonalizing, devaluing those features of life that are important to us as individuals: particular ties to particular people, particular history, particular situations. If we can only make moral decisions by appeal to an impartial observer, a disinterested spectator, or from behind a veil

267See also the discussion of exploitation within the family in section 6.4.
of ignorance, we must abstract from our own and other’s identity, goals and life plan. The distinction between ‘self’ and ‘other’ disappears, and with it any reference to those aspects of one’s life that both make life meaningful and comprise much of the content of personal moral conflict. In social relations, personal differences are practically and therefore morally irrelevant; in personal relations, personal differences are of supreme importance as that which motivates us to form relationships with some and not with others and dictates the course of our relations, including the generation of particular moral conflicts rather than others.

Consider, for example, the state of being in love, a state which many consider an integral part of a meaningful life and one which can generate a wealth of moral issues. In this state what is important is whom the beloved is, the specific features of the man that make him and no other my beloved. For purely theoretical discourse it would be possible to impartially substitute my beloved with any person ‘x’ and speak generally about the state of being in love, but in actual moral situations this is not the case. My beloved’s personal history, personality, mannerisms, effects on me and specific role in my future plans are an integral and therefore necessary part of any moral consideration I make that also involves him. He is one of my ends, insofar as being with him or having him in my life is part of my life plan; he is more than a means to achieving my ends and an isolated end-in-himself. Further, if my relationship with him is to be private, personal, or intimate, then my end requires a relationship with a particular person. It is the nature of personal relationships that the persons within them are not substitutable; not just anyone will do.268 I cannot love anyone and everyone impartially and in the exact same way that I love my beloved. Requiring me to constrain all my moral dealings with him as if he were any other randomly chosen person in the world is unrealistic, an empty and largely unattainable goal. As

268Hardwig, 1989, p. 66.
Nagel points out, even if an individual succeeds in achieving a public (impersonal) view of her situation, she must still make these insights part of her personal or private viewpoint before they can influence her decisions and actions, because one's 'life' is always 'the life of a particular person' and as such cannot be lived impartially or in the abstract, without appeal to a wealth of relevant contextual details.²⁶⁹

4.4 Can Impartialistic Theories Accommodate Partiality?

A number of moral philosophers suggest that impartial theories, such as the Ethic of Justice, can admit partiality, particularity or special considerations and as such can overcome the above-stated objections, thereby serving as an adequate moral theory to govern all types of moral relations, including close, personal relations. It is necessary to consider their claims in order to determine whether the Ethic of Justice can actually be rescued from its apparent difficulties.

Perhaps the most compelling argument that impartialistic theories can accommodate partialistic concerns comes from James Rachels, and it is also present in Peter Singer’s work. Rachels is committed to impartiality as an integral part of morality because it achieves an end he finds socially desirable:

[T]he conception of morality as impartiality...seems to express something deeply important that we should be reluctant to give up. It is useful, for example, in explaining why egoism, racism, and sexism are morally odious, and if we abandon this conception we lose our most natural and persuasive means of combating those doctrines.²⁷⁰

At the same time, Rachels recognizes the moral compulsion behind special obligations to particular others. Many impartialists suggest that special obligations can be impartially

²⁶⁹ Nagel, 1979, p. 205.


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sanctioned: from a purely impartial standpoint, behind Rawls’ veil of ignorance about one’s own worldly position and status, all reasonable people can agree that parents should have special obligations to their children that are not extended to others.\(^{271}\) Rachels wants to limit the scope of these special obligations by appealing to the concept of ‘relevant difference’: “impartiality requires us to treat people in the same way only when there are no relevant differences between them.”\(^{272}\) Rachels believes that individual interests matter most, and that we must make a moral choice based on the strength and value of those interests and the differences in need for having those interests met that may exist between the individuals involved. His primary example compares the interests and needs of one’s own children with those of destitute children. Both sets of children have an equal need for the necessities of life, but because of the proximity of child to parent and one’s role as parent, our special obligations to our own children dictate that we see to fulfilling those needs first. However, since the destitute children still need the necessities of life, we are morally obligated to meet those needs before we provide any ‘luxuries’\(^{273}\) to our own children, such as buying them computers or sending them to university. The destitute child’s interest in receiving the necessities of existence is greater and more morally compelling than my own child’s interests in having a computer or university education. When considering the moral weight of the two needs here, the fact that one child is my own and the other is not does not constitute a relevant difference. This is because the fact that one child is my child is an example of her good


\(^{272}\) Rachels, 1989, p.48; emphasis his.

\(^{273}\) It is important to note that what constitutes ‘luxuries’ as opposed to ‘necessities’ is open for debate. For example, in the twenty-first century a post-secondary education of some kind and significant computer skills are necessary for meeting future employer’s needs and, some would claim, therefore a necessity for the child rather than a luxury.
moral luck and bad moral luck on the part of the destitute child. Moral luck is not a sufficient reason to make this difference relevant. Singer takes the same position, albeit from a utilitarian standpoint, stating that once our own children are well fed and clothed “any special obligations we might have to our children have been fulfilled, and the needs of strangers [in poverty] make a stronger claim on us.”

This argument is meant to establish that there are special obligations which can be impartially agreed-upon, such as the parent’s limited special obligations to the child. A similar argument could be made in favour of a limited special obligation of fidelity between partners. Hence, the proponents of impartiality consider the problem of particularity as having been adequately dealt with. But is it really?

Rachels argues that if impartiality is rejected there will be no means of denouncing as morally odious such practices as egoism, racism and sexism. However, Rachels has not established that including impartiality is the only means to avoid these morally repugnant behaviours. Resolution need not be in terms of the two options Rachels sees before him, either retaining across-the-board impartiality or else rejecting it completely, or by the uneasy compromise he suggests; another option is evident. Egoism, racism and sexism occur primarily (but not exclusively) in the social realm of morality where the interests of individuals and groups in their social interactions must be protected from unfair treatment. Consideration for members of

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274 Rachels, 1989, p. 49.

275 Singer, 1979, p. 172.

276 It is highly debatable whether egoism is morally on par with racism and sexism. Cottingham suggests that limited egoism is necessary for the formation of one’s own life plan, and therefore necessary for morality itself. [See: Cottingham, 1986, pp. 364-365] This cannot be said of racism or sexism, a fact which justifies doubt about the inclusion of any less than extreme egoism here.
mistreated social groups need not spring from impartiality, but from a concern for their welfare and their historical and current treatment.

While the lot of destitute children will not be improved by one's choice to purchase tutoring for his or her daughter to enhance her cognitive abilities, neither will it be worsened exclusively by one's inaction. In and of itself, a parent's contribution to Unicef is of minimal help to the destitute, it will not likely save even one person from life-long starvation, although it may help save one person from starving on a particular day. One's contribution in conjunction with the contributions of others is what the destitute depend on for their continued survival. However, one's daughter does depend (nearly exclusively) on her parents for her survival in the years before reaching adulthood. If one's choice is to provide the destitute with food or money rather than provide for the tutoring, then while one temporarily improves the situation for the destitute, s/he also puts the daughter, who is directly dependent upon him or her and to whom s/he owes a direct and binding moral obligation, at an educational and social disadvantage that could easily have been mitigated. This may result in avoidable limitations on the daughter's future educational and career choices, which in turn could adversely affect her future well-being—quality of life, her own life goals and plans—and perhaps even one's own (if s/he must help her to improve her situation by providing money, goods, or a place to live). The impact of one's choices is minor and short-term for the destitute, but significant and potentially life-long for the daughter, a reality that remains in spite of the fact that when considered in the abstract the need for the necessities of life is more compelling than the need for education. It is simply the case that in the personal realm of moral consideration the reality of one's relationships and associated direct and binding obligations are more compelling than abstract considerations. Of course if the parent has enough money to do so, then s/he can and morally ought to fulfill both his or her personal and social obligations and
provide education for the daughter and money or food for the destitute without causing hardship or harm to oneself or the family.

Rachels' contention that the fact that one's child or partner is her child or partner is not morally relevant once the provision of the necessities of life has been fulfilled is simply wrong in terms of real life morality. His motive in taking this position—to retain impartiality and its valuable function—can be achieved by recognizing that there are two realms to morality and that impartiality has a significant role to play in only one of them. As yet, I have not addressed the general claim that certain limited special obligations can be impartially mandated, and that for this reason impartiality can be said to accommodate particularity. This claim is insufficient for practical moral purposes because it implies that the particular individuals involved are themselves of no importance, rather it is their role as parent, child or partner which matters and which dictates that certain moral principles are appropriate and others not. This position holds that an obligation of fidelity is owed between spouses or partners because of their role as spouses or partners. This obligation can be universalized to include all spouses and life partners, and even when one particular individual like John Jones is substituted for another particular individual Fred Smith, the morally-dictated outcome is still considered appropriate because it is the role, not the individual person, that is morally relevant to considerations of duty and benefit. However, as has been shown previously, who the individuals are and their particular needs is an integral part of real life moral decision making and life plan formulation and achievement. Appeal only to the impartially-determined needs of a role is by far too general for practical decision making.

Proponents of the claim that impartiality is appropriate for close, personal relations are working according to a paradigm of morality that corresponds to the social realm of relations and are therefore necessarily committed to impartiality and appeal to abstract moral concepts and
principles that all could agree upon. Abstraction has little or no role to play in real life decision making in the personal realm because decision makers must include a wealth of personal information and contextual details in their considerations in order to be able to find an option that best suits the particular situation. Appeal to abstract concepts is ill-suited to such a contextually-dependent realm of relations. Real life decisions revolve around particular contextual details that must be accommodated and cannot be fully considered via abstraction. Proponents of impartiality do acknowledge the necessity of appeal to contextual details in decision making and claim that appeal to detail is impartially mandated because, if everyone knew all the particular details of the situation, then all could agree on a course of action. However, this requirement is impossible to achieve in the real world. The only way for someone to know all of the details of the situation that are morally relevant is for that person to live the life of the decision maker, and no one can do that but the decision maker herself. Therefore, while proponents claim that impartiality accommodates particularity, it can only do so in an abstract or theoretical fashion. These kinds of arguments are not compelling because decision makers cannot know all the details of other's lives and thus cannot arrive at an impartially-mandated and/or morally appropriate or palatable decision that all people could agree on regarding the contextually-rich relationships of the personal realm.

Alan Gewirth, too, maintains that impartiality can accommodate particularity or certain personal relations. Gewirth's theory is dependent upon the notion of personal rights. He claims that personal rights are fundamental to morality because the purpose of such rights is to equally protect the agency abilities of all persons, abilities which are compatible with certain personal interests and relations.277 For example, the universal right to freedom entails the universal right to freely choose to form groups and associations, and such groups are morally permitted so long as

they do not violate the rights of others. Such groups may then involve particularist exclusions based on the purposes for which the group is formed, for example, a men’s health club that excludes women, because those excluded also have the right to form their own separate groups. However, the claim that so long as the right to form free associations is not impeded, the participants are acting morally conflicts with our intuition about special obligations that exist between intimates, family members, et cetera. Consider, for example, a romantic triangle involving two sisters. One sister is still deeply in love with her ex-boyfriend, who broke up with her six months previously, and she is still obviously experiencing mental and emotional distress because of the break-up. If the other sister were to meet the ex-boyfriend and enter into a relationship with him, knowing that doing so would cause her sister further pain, then our intuition tells us that the second sister is morally insensitive (at best) and is perhaps deserving of moral blame (at worse). On Gewirth’s view, the second sister could reply in the face of her sister’s, the family’s and other’s moral censure that both she and her sister’s ex-boyfriend have the right to form such associations, that her forming them did not violate her sister’s rights, and that in the end they all still maintain their right to form other similar associations. However, it is hard to see such moral insensitivity as justifying the second sister’s selfish actions in this case. The right to free association would not mitigate the suffering of the first sister, and their relationship would most probably suffer because of it. Gewirth’s ‘solution’ to the problem of particularity and special obligation is no solution at all.

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278 Gewirth, 1988, pp. 292-293.

279 Although, if the second sister and the ex-boyfriend were themselves significantly affected by the decision whether or not to date, for example if they were in love and felt that they had allowed enough time for the first sister to accept the break-up and the new situation, then their interests would also need to be considered in the decision, perhaps justifying the ascription of added moral weight to them.
Bernard Williams points out a particular problem with an approach like Gewirth's that compares Justice-based moral theories with alternative moral theories according to the principles of impartiality, non-interference and equality. Appealing to Justice-based principles is not a persuasive test for judging the adequacy of action decisions unless one is already committed to those principles: “Unless you are already disposed to take an impartial...point of view, you will see as highly unreasonable the proposal that the way to decide what to do it to ask what rules you would make if you had none of your actual advantages, or did not know what they were.” This explicitly identifies one of the significant problems with the socially-oriented view of morality. Whenever an individual exercises practical deliberation, it is always done so in the first person, from the perspective of ‘I’, not from an impersonal, impartial standpoint. The actual facts of the situation, including the desires and interests of those to whom the decision is relevant, are an integral part of the decision-making process at the personal level. Williams is right to stress that the role of the impartial standpoint is to support some ethical conceptions rather than others, as well as the tests that are derived from it:

it is now obvious...that what one thinks about the subject matter of ethical thought, what one supposes it to be about, must itself affect what tests for acceptability or coherence are appropriate to it; and the use of those tests must affect any substantive ethical results. Conversely, the use of certain tests and patterns of argument can imply one rather than another view of what ethical thought is.\(^{280}\)

In other words, the way one frames or formulates the question affects the outcome, a fact that has been empirically established.\(^{281}\) Judging action choices in the personal realm by the criteria of impersonal morality will only establish the superiority of impersonal morality according to those

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\(^{280}\)Williams, 1985, p. 73.

criteria used and will gloss over the inherent shortcomings, rather than establishing any factual superiority. This suggests that consideration of morality within the personal realm of moral relations should be judged according to a non-Justice-based set of criteria.

Some moral philosophers claim that impartialistic moral theories can and do accommodate partialistic concerns, such as those occurring in personal relations, however, as has been shown above, merely ‘accommodating’ partiality is not enough. Providing an answer to the problem of particularity and some justification for moral choices, no matter how uncomfortable the fit, is not adequate. What is required is an appropriate answer and justification, one that adequately accounts for moral experiences within this realm. The across-the-board appeal to impartiality that proponents call for is not justified, does not adequately resolve personal moral dilemmas, and as such I find proponent’s claims that impartiality can accommodate partialistic concerns to be uncompelling.

4.5 The Beginning of a Comprehensive Moral Picture: Impersonal and Personal Morality

The preceding has shown that the prevailing view of moral theory is incomplete and as such cannot serve as the paradigm and the exclusive source of criteria for a moral theory because, while it provides a practical action guide and fulfills its justificatory obligation with regard to social (impersonal) relationships between strangers, acquaintances and colleagues, it cannot do so for private (personal) relationships. Intimate personal relationships are far more prevalent and complex than impersonal ones with strangers or acquaintances. This is evident from the fact that it is much easier to be a good member of society than it is to be a good spouse or parent: the spouse or parent must appeal to a significant degree of knowledge and understanding about the individuals involved and the situation in dealing with these intimate relationships which require
one’s sustained attention, while impersonal relations typically make significantly shorter-term
demands on us and utilize a rather superficial knowledge and understanding of those involved.\textsuperscript{282}
For this reason, real-life moral decision making demands a method of guidance geared to personal
moral issues and decision making methods as separate from (but related to) impersonal moral
issues and methods. The Ethic of Justice fails to guide action choices or else generates morally
unsatisfactory or unpalatable answers when it is used in certain personal situations. As a result,
the need for a personally-oriented view of morality which can also generate a moral theory able to
meet its prescriptive and justificatory obligations for these types of moral choices is evident.

This suggests that moral philosophers may be justified in dividing the range of moral
relations into at least two separate but related realms. This is not a new idea. Indeed, a similar
division was proposed by J.S. Mill, who suggested that relations should be classified as either self-
regarding, concerning only ourselves and those who choose to be associated with us, and other-
regarding, concerning the interests of other individuals.\textsuperscript{283} Some scholars, such as Susan Okin,
have chosen to term other-regarding relations as \textit{public} and self-regarding relations as \textit{private}.
Regardless of the terminology used, the main distinguishing characteristic in these relations is
whether or not society has a claim or interest in the relationship or anyone beyond the individual is
being harmed by the individual’s actions.

\textit{[T]he permanent interests of man as a progressive being...authorize the subjection
of individual spontaneity to external control only in respect to those actions of

\textsuperscript{282}Certain situations in the impersonal realm can make long-term demands on individuals,
such as military service or the sacrifices individuals make to support their country’s
efforts during times of war. However, these situations do not require more information
about an individual than would be required for a job application, such as revealing
relevant skills and experience that would dictate the best placement for the individual
within military services. Given the requirements of this context and the lack of per-
sonal information required, these situations are appropriately considered as impersonal.


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each which concern the interest of other people... There are also many positive acts for the benefit of others which he may rightfully be compelled to perform... necessary to the common interest of the society of which he enjoys protection...

[T]here is a sphere of action in which society, as distinguished from the individual, has, if any, only an indirect interest: comprehending all that portion of a person's life and conduct which affects only himself or, it if also affects others, only with their free, voluntary, and undeceived consent and participation...[T]he principle requires liberty of tastes and pursuits, of framing the plan of our life to suit our own character...subject to such consequences as may follow, without impediment from our fellow creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong.\textsuperscript{284}

Although Mill's distinction between public and private morality is useful, it has not received universal acceptance. In the contemporary literature that are numerous opponents to this division, typically on the grounds that it allows exploitation of women in the private realm. One very vocal opponent whose standpoint is representative of much of the literature objecting to public/private dichotomy is Susan Okin, who states:

"The personal is political" is the central message of feminist critiques of the public/domestic [private] dichotomy... We have strongly and persistently challenged the long-standing underlying assumption of almost all political theories: that the sphere of family and personal life is so separate and distinct from the rest of social life that such theories can justifiably assume but ignore it.\textsuperscript{285}

She lists four reasons for rejecting the public/private dichotomy.\textsuperscript{286} First, she claims that power belongs to the political realm: since there are relationships of power within the family, the family is also political. Second, the existence of a private sphere, the limits that define it, and the types of acceptable behaviour within it are the result of political decisions, therefore the political (public) is very involved in the private sphere. Third, since socialization within the family

\begin{enumerate}
\item \textsuperscript{284}Ibid, pp. 70-71.
\item \textsuperscript{285}Okin, 1989, pp. 124-126.
\item \textsuperscript{286}There are some logical problems with Okin's arguments in support of her last two reasons, but it is not within the scope of this project to discuss them here. Instead, I will show that her main reason for rejecting the dichotomy, which these four reasons are intended to support, is not compelling against Hardwig's personal/impersonal dichotomy.
\end{enumerate}
prepares individuals for the political sphere, it is invalid to assume a clear dichotomy between the two realms. And finally, the division of labour within the family raises psychological and practical barriers against women in all other spheres, including the political, therefore the public/private dichotomy breaks down. These arguments are intended to show that there is no clear distinction between the public and private realms, thereby allowing the public principle of justice to be used within the private realm to eliminate the injustice of exploitation that she sees as prevalent within the family. "Until there is justice within the family, women will not be able to gain equality in politics, at work, or in any other sphere."

It is reasonable to infer that Okin is not concerned with the dichotomy itself, but rather with the negative results for women and children because of the social arrangement that is based on the dichotomy. Indeed, she admits that:

Challenging the dichotomy does not necessarily mean denying the usefulness of a concept of privacy...[n]or does it mean denying that there are any reasonable distinctions to be made between the public and domestic spheres. It does not mean...a simple or total identification of the personal and the political. I agree with [others] in not accepting a complete overlapping or identification of the two.

It is interesting that Okin allows that a distinction between the public and private moral realms is useful and (perhaps) reasonable. Perhaps on some level she recognizes that disagreeing with the results of the dichotomy does not establish that the distinction itself is invalid. What is important for the present project is that Okin's position on the public/private divide is not in opposition to the two-realm view defended here, particularly if I can show that my view avoids the exploitation of women that she is most concerned with.

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288Ibid, p.4.

289Ibid, pp. 127-128, emphasis mine.
John Hardwig presents a distinction between personal and impersonal relations that is useful as a starting point for formulating a two-realm view of moral relations. I select and expand upon some of his ideas and claims below. Hardwig states that personal relations occur between lovers, spouses/life partners, parents and children, friends, et cetera. What makes these relationships personal rather than merely relationships of convenience is that a particular individual is involved— for example, precisely Megan, and no other person— and that individual is one of my ends. This is to say that “having you as one of my ends is valuing you in relation to me; it is seeing you and the realization of your goals as part of me and the realization of my goals” while at the same time recognizing that you and your goals are independently valuable. As one of my ends, “not only will I want your well-being, but I will also want to create your well-being. And if I want to give something personal to you, I will characteristically want you not only to receive it, but to receive it from me—not from just anyone.” Further, the formulation and success of some of my goals and intentions are dependent upon particular individual(s): I want to get something, say romantic love, and I want to get it from Randy; I want to give something, again romantic love, and I want to give it to Randy; and finally, I want to do something, get married, and I want to do it with Randy. In other words, I want to marry Randy, not just someone who will love me. Substituting Tom, Dick or Harry for Randy or Judy, Elizabeth, or Ann for myself will not give me or my beloved the emotional fulfillment that we desire, it will

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290 Hardwig, 1989.

291 For example, marriages of convenience, exploitative ‘friendships’, etc. What is important here is that the individual in a personal relationship is not merely the provider of goods, services, or particular end results to me, but that I value who the individual is.

292 Ibid, p. 66.

293 Ibid, p. 67.
radically alter our original intention and thus will not help us achieve one of our important goals. This example of romantic love and marriage can also be extended to friendship and family relations where, once again, a particular individual is involved and the individual is valued for herself, above and beyond whatever value is assigned to the good things that she possesses or produces. If I am friends with you because you have a car and are willing to drive me around to all the leisure activities I want to go to, then any individual who has a car and the same inclination to drive could be substituted for you. Our friendship would not be personal, and some might even claim that our relationship is not really a friendship at all, since the term implies that a friend is valued for who s/he is, not what s/he can provide. If, on the other hand, I want you to accompany me on many of my leisure activities because you are someone whose company I enjoy, you have characteristics that I value, and we have a shared history that has created an environment of mutual care, respect, and support, then you are not someone who can simply be interchanged with some other person and our relationship is considered personal.

Although Hardwig does not explicitly provide an account of impersonal relations, it is possible to extrapolate one from his general statements. Impersonal relationships stand in contrast to personal relations specifically because they allow the substitution of individuals. It is not who the individual is, but rather the role the individual plays that is important. I want something from you, not because of who you are, but because you have the skills, knowledge, capability, et cetera, to provide me with or to help me obtain what I want. In other words, I do not want Mark, I merely want someone who can fix my car, and Mark happens to be available. If Mark weren't available, then Susan or Scott could be substituted and do the job. Likewise, if I need a signature at work in order to release a document or ship a package, and typically George,

who is now on vacation, provides the signature, then any other individual at the appropriate management level who has the requisite knowledge and authority may sign instead. If Jacqueline was the president and CEO of the company but died, then a substitute can be chosen, someone who has a similar level of experience, skill, and knowledge that allow her to step in and run the company.

Typically, impersonal relations occur between strangers, acquaintances and colleagues, individuals with whom we have not had, or have not chosen to act upon, opportunities to get to know them well enough to allow the relationship to become personal. In order for someone to become non-substitutable in my life, I have to know enough about the individual to recognize and appreciate her unique characteristics, personality, and history, as well as desire that the person who bears these features become an integral part of my life as it is or as I want it to be. If this recognition and desire does not occur, for whatever reason, then the relationship cannot be personal because it lacks the prerequisites to become so. This is certainly the case with strangers, and with acquaintances and colleagues that remain acquaintances and colleagues, rather than eventually becoming friends.

It is not surprising, therefore, that the impersonal realm with its substitutability of individuals primarily relates to social contexts, such as employment situations, obtaining goods and services, dealing with officials and representatives at government agencies and in post-secondary education and training facilities, et cetera, where the people we deal with are mostly strangers, acquaintances and colleagues. However, this is not to say that only social relations or those relations in which society has an interest or a claim are impersonal. Impersonal relations are those that allow the substitution of individuals without significantly altering the relationship and the desires/intentions arising from it, regardless of the realm that relationship is in. This fact
avoids the difficulty that Mill’s distinction between *public* and *private* that Okin and others have identified, namely that it allows exploitation of women in private relations. According to Mill’s distinction, because society does not have a particular interest or claim in what goes on between family members, their relations are private and are not required to be governed by any notion of social justice like equality or fairness. This permits an unfair amount of work to be assigned to women as the primary and often unsupported care-givers and domestic labourers and such exploitation of women’s labour would not be seen as immoral. However, Hardwig’s distinction, based on the substitutability of individuals rather than merely which realm the relationship lies in, allows for impersonal realm values like justice as equality or fairness to be used to govern moral relations whenever one individual may be substituted for another. This is true even for relations in the personal realm, since some of these relations will involve an element of substitutability. Since it does not matter which of the family members takes out the garbage, vacuums the carpets, does the laundry and/or prepares the meals, so long as *someone* does it, Hardwig’s distinction allows for justice as equality/fairness to govern these relationships and thereby avoid unwanted exploitation of any one individual. Since this dichotomy avoids the problem of exploitation that Okin and many of the feminist philosophers are opposed to, Hardwig’s personal/impersonal distinction is a useful and reasonable one that I believe Okin could accept.\(^{295}\)

4.6 Summary

Significant problems for the socially-oriented view of moral theory were identified in this chapter. It was shown that the aim of moral theory is not exclusively resolution of competing interests and that moral relations are not always voluntarily assumed by rational equals. The

\(^{295}\)The problem of exploitation within the family in the personal realm will be discussed further in chapter VI.
assumption that morality exists, first and foremost, to order relationships between consenting adults does not stand up to examination. The existence of examples of situations involving moral issues and conflicts that are not adequately resolved by appeals to the values of the Ethic of Justice—impartiality, equal or merit-based distribution of benefits and burdens, and non-interference—shows that moral philosophers need to make and accept as binding moral rules that account for the fact that few people actually are equals, as well as for the fact that a significant portion of moral relationships are not contractual. The Ethic of Justice leaves a vast range of moral relations without appropriate moral guidelines. This moral perspective fails to meet its prescriptive and justificatory obligations in the broad range of instances where moral relations are personal or do not occur between consenting, rational equals. Its failure to provide a satisfactory answer in personal relation conflicts makes it nearly useless for action guidance in the personal realm. There is also a danger that exclusive adherence to the Ethic of Justice within these relations can in some cases result in a morally unpalatable or even harmful situation, itself a moral wrong to be avoided.

Since the vast majority of our moral relations are actually intimate, unchosen, and occur between unequals, ‘real life’ moral decision making must reflect this fact. Further, a moral theory that fails to provide assistance in identifying potential action options and suggesting a means by which to choose between them may generate interesting theoretical discussion, but it is of no use to the individual who must make actual moral decisions. In order to be useful in practical contexts and to live up to its justificatory obligations, a moral theory must be comprehensive enough to account for all but the most bizarre moral situations that may potentially arise. The socially-oriented view of the aim of moral theory and nature of moral relations, and its associated governing perspective, the Ethic of Justice, are clearly not the moral paradigms for the entire
range of moral relations. However, the beginning of a comprehensive account of morality has been identified, one which includes a personal realm of morality in addition to and separate from the typically-accepted impersonal realm. Objections to a similar divide, the public and private, were noted, and it was shown that the problem associated with this dichotomy, exploitation within the private realm, is avoided by using the similar-appearing but significantly different personal/impersonal distinction. How the Ethic of Care fits into this new view of morality and how these two realms interact to form a comprehensive theory is the subject of chapters V and VI.
Chapter V

An Account of Personal Morality

There are moral relations which occur between individuals who are not strangers to each other and which generate moral conflicts that are not addressed and resolved by appeals to impartiality and equal recognition of personal rights or equal or merit-based distribution of benefits and obligations. It is within this realm that the Ethic of Care plays a significant role. Showing how it can do so is the goal of the present chapter.

There is a significant collection of philosophical literature on family life and friendship that provides a basis on which to build an account of personal morality, from which a list of criteria for judging a moral theory appropriate to this realm can be suggested. Since the current literature does not provide a thorough account of the personal realm as separate from the impersonal realm, I shall provide a preliminary account here. I emphasize that for present purposes it is necessary only to provide a plausible account of personal morality rather than a complete and flawless one, which, as a lengthy and complex task deserving the contribution of many scholars, is beyond the scope of this project. The aim of this project is to determine what contribution the Ethic of Care can make to moral theory while specifically considering whether or not it can constitute a moral theory either in its own right or as a portion of thereof. I need not show that, if the Ethic of Care can constitute a moral theory or portion thereof, it is the only account that will do so, nor even that it is the most adequate for doing so—I need only show that it can do so.

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For example, see: Blum, Lawrence A. 1980. Friendship, Altruism and Morality, (Routledge & Kegan Paul, Boston, Massachusetts).
The first task of the present chapter, then, is to provide a plausible general account of personal morality that distinguishes it from impersonal morality. I begin shaping an account of personal morality by considering what is morally important to decision makers within this realm, what they want to promote, maintain and safeguard. Once the aim and particular values of personal morality have been identified, a list of criteria which will promote this aim and these values will be suggested, against which any potential theory which proposes to govern this moral realm must be compared in order to determine its success at facilitating these values. The Ethic of Care will be compared with each of the criteria to determine its degree of consistency. If the requirements of the Ethic of Care meet the criteria, then it will be able to function as a plausible theory to govern this moral realm; if, however, it does not meet any one of these necessary but not sufficient criteria, then it will be excluded as a viable moral theory and it can be concluded that the Ethic of Care's contribution to morality is purely descriptive of some human relations, rather than acting as a prescriptive guide for moral decision making.

5.1 What Is Particularly Important to Personal Relations?

In order to provide a general account of personal morality, one must determine what decision makers in the personal realm would consider to be the aim of a theory of personal morality. This is suggested by the answers to questions such as: What do moral decision makers consider it important to promote, maintain, and/or safeguard when dealing with intimates and friends? In what ways is their personal morality distinguishable from their impersonal? Once the answers to these questions have been provided, I will have identified the key features that make this morality *personal* and the aim of this realm becomes clear.

What, then, distinguishes personal from impersonal morality? In the impersonal realm,
there is a need to manage public competitiveness so that the individual can formulate and pursue his or her goals unimpeded. In the personal realm such competitiveness is typically absent\(^{297}\); instead, relations tend to be characterized by a level of dependency on particular others that is vastly reduced or even absent in the impersonal realm.\(^{298}\) These relations involve prolonged and often complex interaction that relies to varying degrees on intimate knowledge of particular others. These features are what makes these relationships \textit{personal}. Rather than being motivated by a desire to pursue goals unimpeded, goals in this realm tend to depend on, to various degrees, the well-being and participation of particular others. I do not want to go to dinner at my favourite restaurant alone, nor do I want to share my meal with just anyone; the extent to which I enjoy my dining experience is largely dependant upon whom my companion is and the nature of our relationship. Sharing a meal with my ex-partner while we discussed legal issues in a neutral setting was a strained and tense ordeal I would rather not repeat; dining with my closest friend is almost always a laughter-filled event; while lunching with my daughter provides a fun and relaxing ‘girls’ day out’. My experience depends on \textit{who} the person is, his or her personality, our history together and the contextual details of the situation. There is an element of non-substitutability in

\(^{297}\)While such competition is typically absent in the personal realm, this is not \textit{always} the case. For example, personal relations can need mediation by the principles associated with impersonal morality, as in the fair distribution of assets in a divorce case. Such exceptions will be discussed further in chapter VI.

\(^{298}\)Granted, an employee is vulnerable to and dependent upon the choices her employer makes to a limited extent, applicable only to the employment context. However, relations in the personal realm involve a much higher degree of vulnerability and dependency across a broad range of contexts within the individual’s life, i.e., cultural and/or religious beliefs practiced and inculcated at home, where and in what manner to establish a family home, how many children to have and when, what resources to channel family income into, et cetera. While one’s employment situation will affect one’s happiness and by extension the happiness of other family members, the personal relationships one has do so to a much greater extent.
personal relations that is absent in the impersonal realm, where we are expected to treat all individuals in the same generalized fashion, regardless of who they are. In the impersonal realm, I am to treat the shop clerk, taxi driver and bank teller with equal respect, and, since I do not know them or how far I may trust their personal actions and motivations, doing so at the same time safeguards my own interests. One bank clerk can be substituted for another, one client for another, and even the details of the transaction can change, but, in this business setting, these changes will not affect the expectations on our behaviours. However, in the personal realm there is an expectation that I will treat others in a fashion that reflects the nature of our particular relationship. By treating my uncle the same way I treat my husband, with whom I am, admittedly, at times undeservingly short-tempered and cranky, I risk alienating my uncle who does not expect to be the object of my ill temper. The inappropriateness of substitution of individuals in this realm becomes even more obvious if I were to try to share an intimate and romantic anniversary evening with my uncle, my neighbour, my brother-in-law or an ex-boyfriend rather than my husband.

Further, the success of one's plans and endeavours is also dependent upon particular others to varying degrees. While one can eventually learn about photography through book reading and trial-and-error, a friend's expert knowledge, patient explanations and assistance on various photographic expeditions will be an integral part of the more efficient, enjoyable and successful development and refinement of this particular hobby. This is further illustrated by returning to the example of the family who moves across the country so the wife may pursue a ballet career. The pursuit of her dream and the practical matter of relocating the family could not

299 Of course my husband, who knows me and my situation more intimately than my uncle does, will recognize that the short-tempered crankiness is not aimed at him, but rather is a ‘fall-out’ from my bad day. My uncle, who does not know me well enough to recognize this, will take the crankiness personally.
have been realized without the involvement of her husband, her family, and perhaps several close friends who provided emotional support and encouragement, money, a place to store extra belongings, labour during the packing and moving stages.

Finally, it is the particular individuals themselves, who they are and the past experiences shared, that make one either choose to have them as part of his life or choose to have little contact with them. The decision whether to pursue a (more) personal relationship or keep (or perhaps move toward) an impersonal relationship with the person depends entirely on who s/he is. This decision is based on the degree to which their personalities complement, enhance, or detract from the life one has chosen to live at that time, even if the individual in question is one’s sibling or parent. While one may love an untrustworthy or trouble-making sibling and continue to deal with him or her at family events, one may still choose to limit involvement with that sibling in his life outside of family events. Once one becomes an adult, it is the individuals themselves, and not the role that they play in one’s life, that dictates the degree of their involvement. I do not choose to spend my leisure time with my brother because he is my brother, but rather because he is a likeable person whom I enjoy spending time with. My friends are my friends because they are funny, supportive, kind, eccentric, et cetera, not merely because they happened to be in the right place when I decided that I wanted to add a friend to my life. Thus it can be concluded that non-substitutability of particular people in our lives is an important feature of personal morality that is absent in impersonal morality.

300When one is acting as caregiver to one’s children, at least during their developmental years prior to adulthood, it is the children’s role as one’s children, dependent upon their caregivers for their welfare regardless of the child’s individual personality or actions, which dictates inclusion in the parent’s lives. Once the child reaches adulthood (and sometimes during the later teen years) a parent may choose to have little further contact with the child, but this decision is made based on the child’s actions and personality, rather than his or her role as one’s child. See also the discussion of roles in 4.7.
Just as individuals are unique, so are the situations they find themselves in. The contextual details or facts pertaining to the situation under consideration are morally relevant, as may be certain ‘background’ details or personal information about the lives and interests of those involved in or impacted by the situation and decision to be made. In impersonal morality, the contextual information is always relevant, but only a limited amount of personal information may be relevant. For example, if an employer is looking to hire someone to fill a position in her company, she will need to know some personal information from the applicant’s life, such as education, employment experience, and long-term career goals, but the applicant’s religious, racial or social history, and personal interests, however fascinating, are not relevant to her employability. The question whether or not the clerk in the local bakery should overcharge his customers requires no knowledge of personal information whatsoever about those customers to answer it. However, in personal morality both contextual and personal details are considered as relevant to the decision being made, and in some cases the latter is given more weight than the former, as will be illustrated.

Because decision makers possess a fair degree of knowledge about those with whom they are involved in personal relationships and the nature of the particular situation, they can incorporate both those contextual details and the known relevant personal information into their decisions. Further, consideration of relevant personal information is not considered to be optional, but rather obligatory, in the personal realm. Not only is one given an opportunity to learn some personal information through the closeness and prolonged contact of his relations, there is also an obligation to do so and to utilize that information in decision making. For example, a marriage where the partners do not make an attempt to find out what the other’s needs, wishes, interests, as well as capacities and limitations are will be more like a business
relationship than a marriage. A parent who does not consider the needs of his diabetic child when preparing the family’s dinner would be guilty of neglecting the dietary needs of his child and failing to promote her well-being. Likewise, if I know that you are allergic to peanuts, then I am open to moral blame and censure if I neglect to use that information and serve a dish containing hidden peanuts, fail to warn you to avoid it, and that results in your illness or worse, death. This is not the case if you are a stranger to me participating in a large potluck dinner at our children’s school, for unless I have been given this information beforehand, I cannot be expected to know that you are allergic, let alone know which of all possible allergies yours is. It is therefore your own responsibility to enquire about the various dishes’ contents before indulging. Or consider the situation of a friend who has been deeply depressed about his financial situation, the loss of his job, his inability to find work, and the possibility of losing his home. His depression has led to the recent breakup of his relationship with his girlfriend. If I know these things and have reason to suspect that he may have suicidal tendencies, then it would be morally wrong of me to choose this time to tell him that the stock market has crashed, knowing that he has probably lost the last of his money and, along with it, the last of his hope for financial recovery. However, I can tell this news to a stranger on the bus with moral impunity, even if that stranger is in the exact same financial and emotional position as my friend, because I do not possess this knowledge about the stranger’s personal situation. I am only imparting general information, not information that I know or even suspect is likely to cause emotional upset in an unstable individual. Thus the question ‘Is it morally wrong to inform people of large-scale disasters?’ admits two different answers, depending on how much one knows about those involved and how much it is reasonable to expect one to know. In the case of strangers and acquaintances, it is not reasonable to expect that one know intimate personal information, but in the case of friends and family members it is
reasonable to expect this knowledge.

One’s level of personal knowledge also influences one’s moral reaction, including her degree of flexibility regarding conflict resolution. Imagine two situations where my daughter has been deliberately punched by another child during play. In the first case, the aggressor is a stranger and in the second case the aggressor is a sibling. In both cases the same damage has been inflicted on my daughter, but each case will elicit a different response from me because of the information I have about the aggressor. When the child is a stranger to me, then I have no knowledge of him and his particular situation beyond the basic knowledge one has about all human beings – that they can be physically and emotionally injured, and that they (most likely) want help when they are in need. I cannot include information that I do not possess in my judgement of his actions, I can only judge the actions themselves. Therefore I will see his actions as an instance of a straight-forward moral wrong and will want some form of redress, such as an apology or punishment, and I may suggest that my daughter avoid the child in the future.

However, when the offending child is my son, I will be aware of his particular circumstances and personal issues, or can gain that information fairly readily by asking him questions, and will be more willing to use that information in order to mitigate moral blame for the wrong done. If, for example, the children’s father and I have recently divorced and our son is having difficulty with the changes in our family, I will know that this is a possible source of his aggression and I will focus more on the reasons for his aggression than on the violent act itself when talking to him about his actions. I will also select a more lenient punishment than I would if his aggression was merely the product of frustration or ill-temper. Thus the question ‘what is the morally correct response to a person who has struck another?’ has various answers, depending on the level of personal information one has about the offender. Similarly, I would be more
accepting of my neighbour borrowing my garden hose unasked while I am away than I would be if a stranger were to borrow it. Indeed, when the neighbour does it I consider it 'borrowing', but when a stranger does it I consider it 'theft'. Even if I am irritated by my neighbour's behaviour if he does this on a regular basis, in the interests of maintaining our relationship and avoiding neighbourly 'warfare' I will be more willing to mitigate blame and explore compromises than I would have been when dealing with a stranger (with whom my relationship does not subsequently become more personal).

Thus it is possible to state that personal relationships presume the particularity or non-substitutability of individuals and require us to take into account both contextual details and personal information for decision making. This is not to say that all moral decisions made between individuals within a personal relationship imply non-substitutability of individuals. Some conflicts within personal relationships, typically those involved with facilitating the smooth functioning of the relationship, are resolved by using methods from the impersonal realm. This would include the formal assignment of family tasks or the determination of pocket money allotment according to age or other factors. Unless there are particular constraints that must be taken into consideration, such as a physical disability or one's unavailability at pick-up time, it usually does not matter which family member takes out the garbage, so long as someone does and the overall arrangement is fair. In other words, we sometimes treat our intimates as interchangeable with ourselves and other intimates. But appeal to relevant personal information is still a mandatory and overriding prescription if there are particular constraints that must be considered within the context of the situation. Parents, for example, may want their child (or a particular child) to take out the garbage each week, not because the parents are unable to do so, but because they want to teach this child responsibility and to act as a contributing member of the
Finally, personal morality involves an altruistic-type concern to promote, maintain and safeguard the welfare, happiness and/or good of certain other individuals, a concern which is stronger and more compelling the more personal the relationship is. While it is true that one may obtain some personal benefit through nurturing and maintaining a particular friendship, the hours one spends comforting and talking a friend through the pain of his separation from his wife is primarily for his own benefit, to promote his emotional welfare. In the case of a friend, one’s desire to promote his welfare or his own conception of what is good for him is limited, for one only contributes a small portion to his overall welfare or good. In cases where the relationship is more personal, such as between partners/spouses or parents and children, each makes a significant contribution to the welfare or good of the other, and each has the ability and means to significantly impede achievement of it. Parents willingly and frequently make sacrifices of their own interests and even their own welfare in order to promote, maintain or safeguard the welfare and good of their children, as is illustrated by the recent news story of the parents of an adult Cystic Fibrosis sufferer close to death, who each donated a lobe of their lungs so that she could survive. As an adult, the survivor will likely move on with her own life largely separate from her parents, joining with a partner, having or adopting children, or pursuing a career. It was the desire to enable her to live to pursue these goals that motivated the parent’s actions, albeit in

\[301\] I say ‘altruistic-type’ concern because I do not want to enter into the debate about whether altruism is actually possible, or whether so-called altruistic acts are really performed so the individual can obtain a(n indirect) benefit, such as increased self-esteem or receipt of gratitude. There are many instances where the individual is motivated to act by the needs of another and, although s/he may receive a benefit for her actions, this is not the conscious or primary reason for performing the act. It is this type of motivation and action that I am referring to.

\[302\] The issue of moral treatment of one’s enemies will be addressed later in this chapter.
conjunction with the benefit they receive from their child’s continuing personal presence in their lives. The weight of benefit in this case goes to the survivor who has significantly more to gain from her parents actions than the parents themselves. Yet the parents stated that they ‘did not think twice about their decision’, it was something they had to do for their daughter’s welfare.

Gift-giving offers another example. My husband is an amateur astronomer who often has to abandon observing quite early because the moisture content of the air dews up the telescope’s optics. I purchased for him an anti-dew device that will allow him to observe for longer periods, thereby enhancing his personal pleasure because he can spend longer pursuing his hobby each night. I did not purchase the device to keep him out of the house longer—in fact, I would personally prefer to have him spend the time with me—but rather because I knew that doing so would bring him happiness. Such is the nature of personal relationships and the aim of personal morality: the desire to see one’s friends and loved-ones be happy, to help promote, maintain and safeguard their interests, welfare and good. Their ends become, to varying degrees, one of my ends. It becomes one more of the goals that I want to achieve in my own life, even if doing so does not result in any immediate or direct benefit to myself. In many cases helping achieve the happiness of others increases one’s own happiness, but there are some cases where helping achieve their happiness results in loss, sorrow or a disadvantage for oneself and yet the desire to promote the good of the individual still overrides self-concern. The parent who does all he can to help his child move across the country to take a new job or go to university, in spite of the knowledge that his child will no longer be a part of his regular life except via those inferior substitutes for personal contact, telephone and email, is one such example.

In the impersonal realm, individuals are largely uninterested in the concrete details of what constitutes the welfare, happiness or good of others. While it is true that, according to the liberal
view, the ultimate goal of impersonal morality is to allow people to formulate and pursue their own interests and goals, that is, whatever makes them happy or constitutes their own conception of their good, and the principles of impersonal morality are designed to allow them to do so unimpeded but without impeding the basic rights of others. However, there is no consideration given to any particular aspect of welfare or good on this view. Individuals in this realm may deem it socially important to provide a minimum wage or adequate health care, but this interest in welfare or good is represented in an abstract or generalized form that has instrumental, rather than intrinsic, value. The welfare or good of others is promoted because of what doing so can achieve for a particular group or society as a whole, rather than because the interests of the individuals in question are worthy of being promoted for their own sake. For example, public policy formation that mandates public health care does so because being healthy facilitates the formation and pursuit of personal goals and interests, which in turn allows for healthier, happier, and more productive citizens. Likewise, moral principles designed to safeguard personal autonomy do so because autonomy is the tool that allows formulation and pursuit of one's own goals, which ultimately respects individual rights and creates a more smoothly-functioning society.

On the other hand, in the personal realm, the precise nature of what constitutes other's welfare, good and happiness and how to achieve it are taken into consideration and are the driving force behind the decision making. Where tuition money is needed for a child's education or emotional support is needed for the devastated divorcee, promotion of their personal autonomy and protection of their rights is necessary but may do little to help achieve their actual good or happiness. Decision makers want to know what to do to help this person in this situation to achieve these desired ends, and the rules of the Ethic of Justice will not provide the answer. What is needed is a plan involving concrete details designed to help achieve the particular end desired.
for a particular person: Melissa wants to move to California and marry her love, what do I need to
do to help her? Megan wants to continue violin lessons in spite of our lack of money, how do I
find the funds to facilitate this? Peter has been depressed and suicidal lately, what can I do to
forestall a crisis and help him return to emotional stability?

This will be the case, even when considering the moral treatment of persons one dislikes
or considers to be an enemy. At first glance, it might appear that an Ethic of Care would require
that one ‘love his enemies’ or personally care about their welfare. Indeed, this interpretation is in
keeping with Gilligan’s findings in the empirical studies, where caring emotions drove moral
concerns. However, a moral theory must provide justified prescriptive guidelines for moral
relations with all persons, not just those we happen to like or care about. Clement’s refined Ethic
of Care allows for moral consideration of enemies because it focuses on consideration of the
interests of all involved in the situation or affected by the decision and/or outcome, rather than
personal feelings. If one knows a person well enough and has had enough direct experiences
with him to be justified in calling him an enemy or considering him worthy of hatred, then one also
knows something of his personal interests. When those interests are relevant to the situation and
decision being made, in order to do the morally right thing they must be taken into consideration,
regardless of one’s personal feelings about the individual. If further information is required from
the enemy before a morally appropriate decision can be made, then that fact must outweigh one’s
personal feelings about the individual and the extra information must be obtained.

303 Unless personal feelings are relevant to the decision being made. For example,
when trying to decide whether or not one should invite his hated step-mother to his
wedding, it is appropriate to consider his own feelings (her presence may vastly detract
from his experience of this significant day in his life) and the feelings of his father (who
may or may not understand the animosity and may or may not be deeply offended by any
exclusion of his partner), stepmother, and any others who would be affected by her
presence or exclusion.
From the foregoing it is finally possible to state what is integral to personal morality and distinguishes it from impersonal morality:

1. Particularity or non-substitutability of persons
2. Relevance of personal information in addition to contextual details, in decision making
3. Promotion, maintenance and safeguarding of the welfare, happiness and/or good of those involved in the situation or significantly affected by the decision made

These elements must be manifest in an account of personal morality if it is to be an accurate representation of this moral realm. This means that these elements must also be reflected in any list of criteria determining the suitability of any prescriptive theory which is intended to guide personal morality. I turn now to identification of the criteria which would be compatible with these aims.

5.2 The Criteria of Personal Morality

As was stated in chapter IV, a moral theory must be able to act as a practical action guide that allows decision makers to determine what to do, reflecting particular actions and outcomes that s/he, or the framers of the theory, believes are morally dictated. The realization of morally worthy states of affairs is made possible when there is a connection between moral theory and the individual’s moral beliefs about the general aim of prescriptive morality, or those ends that it wants to achieve. In order to ensure that a particular theory will facilitate achievement of these morally worthy states of affairs, there are certain criteria, dictated by the aim of moral theory, which must be met. These criteria comprise a check list against which potential moral theories may be compared in order to test whether or not they can provide practical action guidance that promotes the desired moral outcomes. For example, in order to be able to provide justifiable practical action guidance, rules or principles must meet the criteria of internal consistency and coherence. Any theory which does not exhibit internal consistency and coherence must be
rejected as too problematic and self-contradictory to be able to provide either action guidance or a guarantee of achieving the desired ends. In order to be applicable in any and all moral situations that a decision maker will encounter, a theory must meet the criterion of comprehensiveness within the range of moral relations that it is intended to govern, otherwise it will fail to provide practical action guidance in some situations. This was the basis of my rejection in chapter IV of the Ethic of Justice, because it clearly does not provide guidance in all moral situations, specifically in the personal realm.

Norma Haan provides a succinct statement of some of the criteria, many of which are also present in the works of other moral philosophers\(^\text{304}\), which it is worthwhile repeating here:

[morality] is *prescriptive* (the should); *reversible* (there but for the grace of God go I); *ideal* (the best possible reasons); *universal* (including all people in the same circumstances); *objective* (reasons, not whims, being the only kind of persuasion that others will accept); and *impersonal* (all people in the same circumstance including the self should act in the prescribed way).\(^\text{305}\)

Joseph DeMarco suggests other criteria which should be added this list, the criteria of **comprehensiveness** and internal **consistency** and **coherence**. They are necessary, he explains, to ensure that diverse moral claims or beliefs put forward do not conflict, are capable of being derived from one another (that is, that one follows from another), are mutually supportive, and are reasonable and realistic.\(^\text{306}\) The criteria of consistency and coherence roughly overlap with Haan’s term ‘ideal’, for together they ensure that justification or strong or compelling reasons (although perhaps not the ‘best possible’ reasons) for a decision choice is possible. Another

\(^\text{304}\)See: Kant (1996); Mill (1998); Smith (1804); Hare (1961); Kurt Baier (1963); Singer (1985); and Rachels (1986), to cite just a few.


\(^\text{306}\)DeMarco, 1996, pp. 8-10.
criterion, principle use, as suggested by Mill\textsuperscript{307}, Veatch\textsuperscript{308} and Rawls\textsuperscript{309}, serves an important function in morality and as such deserves to make the list. Principles act as binding rules of conduct which, being codified, are easy for decision makers to understand and utilize for practical action guidance.

Some of the criteria identified by Haan above are directed at promoting the aim of impersonal morality, which is to manage public competitiveness in order to achieve the benefits of social and political liberty which allow the individual to formulate and pursue his or her life goals unimpeded without violating the rights of others, and as such have no relevance to the aim of personal morality. The criteria of universalizability and impartiality identified in chapter II (which encompasses the concepts Haan terms 'objective' and 'impersonal') are necessary to promote the fair treatment and equal consideration of interests that the socially-oriented impersonal realm requires. These particular criteria, I determined, have little place in personal morality, but the other criteria which promote successful theory function can be appropriately applied to personal morality, which has a functional need equivalent to impersonal morality. For example, prescriptiveness is that concept which makes certain moral actions obligatory rather than a matter of individual choice, thereby ensuring the normativity of the theory. It is this concept that, once the morally right thing to do has been identified, dictates that moral blame and censure are appropriate if one fails to make the dictated choice. Normativity must apply in the personal realm as well as in the impersonal realm. Likewise, there is a place for reversibility in both realms, in that no matter whether one is the decision maker or is the one affected by the decision, if their

\textsuperscript{307}Mill, 1998 [1863], p. 133.

\textsuperscript{308}Veatch, 1998, p. 219.

\textsuperscript{309}Rawls, 1999 [1971], p. 4.
positions were reversed, each would consider the decision made a justified one. Reversibility is closely associated with the criterion of consistency, because a justifiable decision is one which is consistent, which turns out the same results in all substantially similar situations.

With a preliminary list of functional criteria in place, the remaining task is to propose further criteria reflecting those values and aims identified in section 5.1 above as being essential for and exclusive to personal morality. The last two points may be effectively combined to produce one criterion which reflects both concepts. The inclusion of personal information, in addition to contextual details, in decision making is necessary to ensure that the promotion, maintenance and safeguarding of the welfare, happiness and/or good of those involved in the situation or affected by the decision is achieved. Clearly, then, consideration of personal information and contextual details is a criterion that must appear on the list; for simplicity, I will term this criterion ‘specificity’. The only remaining feature essential to personal morality, the non-substitution of persons, is also encompassed within this criterion of specificity through reference to personal information. If the information used is truly personal, then although there may be informational overlaps regarding personal history, interests or goals across individuals—that is, several individuals may have studied in the same department of the same school in the same year, and of these, many may share a love of chocolate and old movies—the information will not apply in its entirety to any other individuals: only one shares all of these features and despises green peppers and country music. Informational overlap should not worry us in any case, because what is important is that the interests of those involved or affected by the decision are taken into consideration, not that those interests are unique. What must be avoided from the perspective of decision makers in the personal realm is a one-size-fits-all approach to determining what individuals want or need, for the simple reason that different individuals want different
things and in the personal realm that needs to be reflected in the decisions being made. Use of the specificity criterion ensures this while at the same time implying the non-substitutability of individuals. Specificity also enables one to act morally where she would otherwise be at a loss for knowing what to do, because the personal information is available and readily accessible.

Hence, it is finally possible to suggest a list of criteria that will promote, maintain and safeguard the aim of personal morality while at the same time providing practical action guidance that is capable of being justified. Each of these criteria is necessary for judging whether any proposed theory which attempts to provide a methodology for guiding moral actions will function successfully as a normative theory:

1. Prescriptiveness
2. Use of Principles
3. Specificity
4. Comprehensiveness
5. Consistency
6. Coherence
7. Reversibility

5.3 Can the Ethic of Care Meet the Criteria of Personal Morality?

With a list of the criteria for personal morality in place, the task that remains is to compare the Ethic of Care against these criteria. Doing so will determine whether or not there can be at least one moral theory that governs that portion of the total moral experience known as the personal realm. Should the Ethic of Care fail to meet even one of the necessary but not sufficient criteria, then it fails as a moral theory and the quest to determine its contribution to morality must take a different path.
Prescriptiveness

Is the Ethic of Care prescriptive? Do its principles have that quality of overridingness that mandates their enforcement over of personal preference and desire, particularly when the two are in conflict? My answer to both of these questions is ‘yes’. The rules associated with the Ethic of Care exclude certain courses of action as wrong. To ‘avoid and/or minimize harm to oneself and others’ is a powerful injunction, only leaving open exactly how that is to be achieved. But what happens when this injunction conflicts with the decision maker’s desire?

Consider, for example, a mother who is over-stressed and emotionally unsatisfied by her commitment to provide care for her two preschool children and maintain the family home without help. Imagine that she is considering whether or not to abandon her children to her partner’s sole custody so that she may pursue a life for herself relatively free of (child-related) stress. At this moment when she most wants to ‘run away’, she is still under a moral obligation to consider the interests of those who are affected by her decision. Even if she did not love her children, she still must—that is, is morally obligated to—consider their interests because of their dependant status and the fact that they will be directly affected by her choice. This fact will need to be represented in any eligible moral theory because one’s being affected by choices made or their outcomes morally mandates consideration of that affected individual’s interests in order to safeguard them. The children’s interests, not to mention those of her partner, are affected by the relative levels of harm and well-being that they experience, and her actions will have a direct impact on those levels. This fact gives these rules prescriptive power. Only if the relationship is so unhealthy for the mother to stay in that she could show through reasoned explanation that her leaving would minimize harm and/or promote the most well-being for those involved would her leaving be justified under the Ethic of Care. Her lack of consideration for the children and her partner,
should she decide to leave based exclusively on her desire to live a life unencumbered by the stresses of child care, would leave her open to moral blame or censure because her decision was self-centered and failed to consider those who would be affected by it. Since all of the rules of the Ethic of Care safeguard the interests of all involved individuals, including the decision maker, the rules then have this same prescriptive power.

The Use of Principles

It is clear from the foregoing discussion of prescriptiveness that the Ethic of Care does use principles, or, at the very least, that it appeals to certain guiding tenets or rules which are capable of being formulated into principles. These basic tenets as drawn and paraphrased from Gilligan and Clement are:

1. Avoid and/or minimize individual harm for oneself and others equally
2. Promote, maintain and safeguard individual well-being for oneself and others equally
3. Promote, maintain and safeguard healthy relationships
4a. When conflicts exist within or between points 1-3, equal consideration of the interests of all concerned is necessary...
4b. When there are relevant personal or contextual reasons to weigh one’s own or others’ interests more heavily, doing so is appropriate only so long as the aims of points 1-3 are maintained

These rules or principles are clear and succinct, and for that reason are in a format conducive to actual use by decision makers because they are easy. A principle that is too complex or that includes too many exceptions complicates the decision-making process and is therefore to be avoided. These Ethic of Care principles reflect what decision makers in the personal realm want

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[310]Paraphrased from: Clement, 1996, pp. 76-80. Note that the emphasis on equal consideration of interests is integral to both Gilligan and Clement’s versions of the Ethic of Care and is present to reflect the individual’s moral development and recognition that both selfishness and selflessness will not promote moral outcomes. For these reasons, I retain the term ‘equal consideration’ here; it is not meant to imply a Justice-based approach.
to safeguard and promote: their own happiness, welfare and good as well as the happiness, welfare and good of those with whom they share a personal relationship. The fact that these principles have no specific content, that they are generalizations for which the decision maker must supply the relevant details, is not problematic in the personal realm, and in fact is a desirable feature. What constitutes individual harm or good will differ from individual to individual, from situation to situation, and for the same individual at different times in their lives. The general nature of these principles enables the decision maker to tailor a decision that avoids or minimizes particular harm or promotes particular goods for a particular individual, and in doing so also promotes the general attention to particularity that is integral to this realm.

The principles also provide a means of prioritization when they are in conflict, and even though that method is generalized it still allows for justification of choices made, which in turn ensures internal consistency.

Specificity

This is perhaps the most straight-forward criterion to assess, because one of the primary goals of the Ethic of Care is to ensure the inclusion of personal information in decision making. Given that the principles central to the Ethic of Care are aimed at minimization and/or protection from particular harms to particular individuals or promotion of particular interests and goods for particular individuals, the inclusion of personal information in decision making is essential. In order to determine what constitutes a particular harm or good, one must be aware of and appeal to aspects of the individual’s personal history, personality, desires, plans and goals, abilities and deficits, as well as their particular situation at home, work, school and elsewhere. One simply cannot promote particular interests without appealing to this specific personal information.
Comprehensiveness

Measuring the Ethic of Care against the criterion of comprehensiveness provides some important information about the status of the Ethic of Care as a theory. In chapter IV, I used the strength of this criterion and the fact that there was a realm of morality (personal) which the Ethic of Justice could not adequately account for to reject it as the only moral theory we need. This comprehensiveness criterion serves the same purpose with regard to the Ethic of Care: since the Ethic of Care cannot adequately account for relations between strangers and public policy formation and application in the impersonal realm\(^{31}\), it is clear that it cannot constitute a comprehensive theory which represents the totality of moral experiences. This effectively disqualifies integration option 2 (from the Introduction), that the Ethic of Care is the primary moral perspective accounting for all of morality, with Justice attributes such as impartiality and equality subsumed. However, I am not currently considering the totality of moral experiences, but instead whether the Ethic of Care can act as a moral theory for the personal realm alone. Within this context, the question to be answered is whether the Ethic of Care provides a comprehensive account of personal morality. Can the Ethic of Care provide practical action guidance and meet its justificatory obligations in all moral relations within this realm?

If we characterize moral relations as a continuum with strangers at one end and intimates at the other end, then it is evident that the Ethic of Care can account for the intimate relations occurring at the furthest end of the continuum. These relations, typically between partners or spouses, but also other types of close connections between individuals that are not limited only to physical relations, involve a significant degree of dependence upon one another or capacity to be affected by the actions of the other, as well as a significant degree of knowledge about what

\(^{31}\)See chapter III.
constitutes the other’s interests, welfare, happiness, et cetera, or an increased opportunity to obtain such information. This makes it easy to apply the principles associated with the Ethic of Care to these types of relationships, because decision makers know and/or are obligated to find out what constitutes well-being or a harm for those with whom they are related in this way.

Relations a bit further toward the middle of the continuum, say, between siblings, or friends, are also represented by the principles of the Ethic of Care. Again, one has the personal information one needs to make a decision, or one can readily obtain it simply by asking for it. One’s ability to affect the general well-being or good of others in these relationships is however somewhat more limited than in intimate relations. One is less likely to cause her best friend extreme emotional pain with her infidelity than her husband or child, unless, of course, her affair is with her best friend’s partner. In the former case, one’s infidelity has no direct effect on her best friend, the only effect is peripheral as the friend helps her deal with the ‘fall-out’ of her actions. In the latter case, since it is the best friend’s partner whom she is sleeping with, the friend will definitely be affected and therefore is deserving of increased consideration over the former case. The decision maker can reflect this consideration through the use of the principles of the Ethic of Care.

What of relations even closer to the center of the continuum, relations that are marginally personal? Does the Ethic of Care prescribe for these as well? A more thorough account of these types of relationships and the role of the Ethic of Care appears in chapter VI, but for present purposes a brief account should suffice. Consider those relations which occur between neighbours, work or school colleagues, members of a church or leisure activity club, and instructors and private students—anyone whom we know a little bit about and interact with regularly in ways that are not exclusively professional: any less than this, and the relationship
cannot be characterized as 'personal'. These relationships involve a minimal degree of personal knowledge, but one may know, for example, whether one's work colleagues are married, divorced or single, whether or not they have children, something of their personal, educational, cultural or religious history and some of their current interests and future plans or goals. These relationships are also not likely to be affected more than minimally by any action choices one makes, but insofar as they are affected, the relevant information regarding their interests must be taken into consideration according to the Ethic of Care.

For instance, if a Ph.D supervisor is considering taking sabbatical leave next year, he must consider the interests of the four graduate students who will be directly affected by his choice—how close they are to completion of their degree and therefore how pressing their need for his direct involvement over the next year—in making his decision. If two students are still in the course-work stage, one is two years away from completion, and other arrangements can be made to accommodate the last student who will finish next year, then the supervisor is considered morally free to take his leave because doing so will have little effect on the students who are dependent upon him. If, however, all four students are nearing the end of their degree and will need the supervisor's input over the next year in order to be able to graduate, then that fact must be weighed quite heavily because the students' academic future and careers are directly dependent upon his decision. On the other hand, if there are compelling reasons to assign extra weight to the supervisor's need for the leave, for example because he is the only person able to provide extensive care to an extremely ill child, partner or parent, is himself suffering from a serious and debilitating medical problem, or the leave is crucial to his own research career, then it is appropriate to assign extra weight to this special circumstance. This may be considered as a justification for his choice to leave in spite of his student's dependence upon his presence in the
department. So even in those instances where the relationships are marginally personal, when the individuals involved will be affected by the decision being made, then the decision maker is obligated to consider their interests. The Ethic of Care can be considered as 'predicting' our judgements here. Hence it is possible to conclude that the Ethic of Care provides a comprehensive account that represents the full range of moral relations in the personal realm.

**Consistency**

The requirement of consistency ensures that moral decisions do not conflict with each other and are not arbitrarily made. Consistency in the personal realm requires that, all features of the situation being the same and involving the same individuals, the same decision is entailed. A decision ought to correspond to the same decision made some time ago if the circumstances are relevantly similar. Interestingly, this is a more rigid conception of consistency than appears in the impersonal realm because the emphasis on specificity in this realm makes who the person is that is involved in the situation, her personal history, personality, interests, goals, et cetera, an integral part of the decision. This means that instead of being able to judge consistency merely across generally similar situations, as is done in the impersonal realm\(^{312}\), the personal realm requires that consistency be judged across situations and with reference to people who are exactly the same in all relevant details—otherwise, the situation is different and there are no grounds on which to judge consistency across decisions. This is further complicated by the fact that, all contextual details

\(^{312}\)Consider the example of the bank teller who, while counting your deposit, sees that there are two $20 bills stuck together, unnoticed by you. The impersonal principles which dictate that the teller must not cheat you by keeping the extra $20 remain in force regardless of whether it is you making the deposit, or me, or my daughter. In this way, situations in the impersonal realm need only be significantly *similar*, the details are allowed to differ so long as the general parameters of the situation remain the same. In the personal realm, the details are often essential, so any change in them can result in an entirely different situation.
being equal, individuals still have the tendency to change aspects of their lives or personalities over time, meaning that the situation and the individual involved may be the same, but one’s attitude, interests, plans and goals may have changed. What constituted a promotion of one’s welfare a year ago in this very same situation may now, because of changes in her attitude or personal plans, constitute a harm.

Coherence

Coherence requires that the various parts of the proposed theory and the moral choices dictated as correct make sense, that is, are reasonable and realistic. They must reflect and be compatible with our intuitions about our moral obligations. Does the Ethic of Care reflect morality as we experience it, while providing principles that lead to reasonable and realistic moral dictates? The answer to the former is an unequivocal ‘yes’, for the proof of this comes directly from Carol Gilligan’s empirical studies. Admittedly, Gilligan’s early research focused on explicating the moral experiences of women in order to fill the gap that Kohlberg left in his study of male morality, so her results show that women’s real life moral experiences are reflected by the Ethic of Care, rather than showing that it reflects all people’s moral experiences. Many scholars have criticized Gilligan’s work because it appears to exclusively pertain to women, but, as Gilligan herself has indicated in later writings, this is not the case. As her subsequent research has shown, both men and women are capable of thinking about moral situations both in terms of the Ethic of Justice or the Ethic of Care, just not both at exactly the same time.313 Further, it is not surprising that women in Gilligan’s studies more readily adopt the Ethic of Care than men for dealing with moral conflicts. Women, as the primary care-givers in society, face more

313 Gilligan, 1987, p. 28.
opportunities for the exercising of personal morality issues than men, who spend more time at work or interacting with strangers and acquaintances outside of the home. Since empirical studies have shown that both women and men do use an Ethic of Care in certain contexts, it is clear that this perspective does in fact reflect at least some of our moral experiences. I contend that the experiences that it does reflect are those associated with the personal realm of morality.

The question whether or not the Ethic of Care can prove to be reasonable and realistic is a separate one, however, since people often do things in the real world that are unreasonable and hold unrealistic expectations and desires. Are the principles associated with the Ethic of Care reasonable? Do we have strong and compelling reasons to accept the injunctions to avoid and/or minimize individual harm for oneself and others or to promote, maintain and safeguard individual well-being and healthy relationships? Does it make sense that when there are relevant personal or contextual reasons to weight a particular person’s interests more heavily than others, we do so? Are these injunctions compatible with the aim of personal morality?

The answer to each of these questions is also ‘yes’. The aim of personal morality is to promote, maintain and safeguard the welfare, happiness or good of individuals, which is achieved by safeguarding their interests. By acting in accordance with the principles of the Ethic of Care to minimize or avoid harm and to promote individual well-being, even in the guise of healthy relationships, one’s actions are fulfilling the aim of personal morality. The concordance of the aim of personal morality with the principles of the Ethic of Care illustrates the mutual support associated with the criterion of coherence, where the various parts of the theory work together to support each other and result in an action-guiding system that flows together as a coherent package. As has been shown in the foregoing, the principles of the Ethic of Care also provide this mutual support because, when taken together, they promote the welfare, happiness and/or
good of those involved. So long as the principles are adhered to, and all relevant personal
information and contextual details are taken into consideration, all decisions dictated are justified
by reference to the reasons that show that the decision is, in fact, promoting well-being or
minimizing harm. Thus, the decisions are coherent with the principles, which are themselves
coherent with the aim of personal morality. Further, if there are relevant reasons to weight one
person’s interests more heavily than another’s, then by the very fact that there are relevant
reasons to do so, doing so is considered reasonable. If doing so were unrealistic (impossible),
then that fact of the situation must also be taken into consideration in decision making. This
necessarily results in a realistic choice being dictated, even if not chosen. Therefore, as far as the
personal realm of morality is concerned, the Ethic of Care meets the criterion of coherence.

Reversibility

If I am in a particular situation, then it is reasonable for me to want a particular outcome
that promotes my well-being. It is therefore unreasonable to assume that another person in that
same situation will want an outcome that does not promote her well-being. This similarity of
need, along with coherence, morally requires that the individual treat others in the same fashion
that the individual would herself want to be treated were she in that situation. Practically
speaking, the decision maker and those affected by the decision could be substituted for each
other (or their situations be reversed), and the decision made should still be mandated and
justified.

In personal relations, the decision maker will in many cases feel empathy with others and
will be led to consider what the situation is like for those affected by her actions. However, even
if she does not like you, or her love for you has turned to hatred, as sometimes occurs in personal
relations, in order to act morally she must rise above those feelings and treat you in a fashion that promotes your well-being and minimizes harm, just as she would want you to rise above your negative feelings toward her and promote her well-being. Following the principles of the Ethic of Care accomplishes this, particularly since one's negative feelings toward you are not, in all but the most bizarre circumstances, relevant reasons to weight her own interests more heavily than yours. So, regardless of one's personal feelings toward those with whom she is involved in a personal relationship, so long as she follows the principles of the Ethic of Care, she is exhibiting actions in accordance with the criterion of reversibility.

Having compared the Ethic of Care against the complete list of criteria, it is now reasonable to conclude that it meets the stated criteria fully and, as such, may be considered as constituting a viable moral theory capable of governing the personal realm of morality. Of course, since the Ethic of Care cannot provide adequate practical action guidance for the impersonal realm, it cannot act as the singular moral theory (with Justice concepts like impartiality and equality of consideration subsumed) to account for the entirety of moral relations. Since the personal realm of morality is not completely isolated and separate from the impersonal, whenever we talk about morality requiring a comprehensive moral theory that governs it in its entirety, we must then be certain to refer to the Ethic of Care, as well as the Ethic of Justice, as portions of that comprehensive, all-inclusive moral theory. Exactly how these two portions fit together is the subject of the next chapter.

\[314\] Again, this effectively excludes integration option 2 from the introduction as a possibility.
5.4 Summary

The first task of this chapter was to provide an account of what the realm of personal morality looks like and what our aims with respect to it are. This was followed by the provision of a list of criteria for ‘theoryhood’ against which various potential theories could be compared to judge their applicability for this moral realm. My aim was to compare the Ethic of Care against this list of criteria in order to determine whether or not it could function as a viable moral theory governing this realm. (If some other potential theory were to be put forward as a candidate for governing this moral realm, it, too, would have to go through this process of comparison.) I began by considering what is particularly important to the personal realm, and what distinguishes it from the impersonal realm. I determined that particularity or non-substitutability of individuals in one’s relationships, the ability to make use of personal information in addition to contextual details in decision making, and an altruistic-type concern to promote the welfare, happiness and/or good of others were integral to this realm, while being largely absent in the impersonal realm. Promotion of individual welfare was identified as the aim of personal morality.

I then discussed the criteria that must be present and met if a potential theory is to govern this moral realm. Many of the criteria were drawn from explicit statements in the philosophical literature about the criteria necessary for the general conception of morality. I added one criterion which reflected the specific nature of personal morality, specificity, and explained why each criterion was necessary to establish the functioning of a moral perspective as a moral theory. Once the list of criteria was in place, I compared the Ethic of Care against each of them in order to determine whether or not it could act as a moral theory for this realm. Once the Ethic of Care had been shown to meet the criteria and to be capable of governing the personal realm, it became possible to refer to the Ethic of Care as a moral theory for personal morality. I could do so
specifically because the Ethic of Care fits with Stanley Clarke’s second conception of a moral theory, the coherentist or holistic conception, which allows for moral theories in which the principle utilized are open to interpretation and amendment, given the particular context of the situation and moral justification relies on the decision maker’s achievement of reflective equilibrium with the contextual details regarding a web of relationships within a whole life structure. However, since the Ethic of Care cannot provide adequate practical action guidance in the impersonal realm, there is a limitation of the scope of the Ethic of Care’s contribution to morality, just as there is a limitation on the contribution of the Ethic of Justice for practical action guidance in the personal realm. These limitations show that both perspectives must be referred to either as theories for a particular realm of morality, or as portions of one comprehensive theory that covers the entire range of moral relations. Thus, it becomes clear that at the very least the contribution that the Ethic of Care makes to morality is the governing of the personal moral realm. Whether its contribution is greater than this will be determined in the next chapter.

315 See section 4.1
Chapter VI

Integration of the Impersonal and Personal Moral Realms

In the previous chapters two very important points have been established. First, it has been shown that individuals engage in two distinct types of moral relations, personal and impersonal. Second, it has been shown that the Ethic of Justice is well-suited for practical action guidance only in the impersonal realm of moral relations, while the Ethic of Care is well-suited to the personal realm but not the impersonal. If I am to show that the Ethic of Care constitutes a portion of a comprehensive moral theory, then I must be able to show how the two perspectives can be successfully integrated. The task for the present chapter, then, is to show how these two diverse ways of approaching moral decision making can be combined to provide one comprehensive moral theory capable of practical action guidance in all moral situations. This is necessary in order to meet the inherent criterion of comprehensiveness that is an integral part of all moral theories. It is also necessary for practical purposes, because dealing with two distinct moral perspectives leads to a problem of prioritization of one perspective over the other in those situations where both may be applicable, a problem which must be overcome before consideration of any practical action.

The present chapter will explain this problem of prioritization and why it is so vital that a comprehensive moral theory involving two distinct moral perspectives be able to prioritize one over the other whenever they conflict. I will consider two attempts to integrate the Justice and Ethic of Care perspectives while trying to avoid the problem of prioritization, and will explain why they fail. I will then suggest, based on one possible conception of the nature of moral relations and what distinguishes the personal from the impersonal realm, that morality and
relationships are bound together on a continuum characterized by the depth of knowledge one has about the individual with whom s/he is engaged in moral relations. This continuum, the nature of the impersonal and personal moral perspectives, and knowledge of the situation under consideration together provide the methodology for prioritization and ultimately lead to a functional and comprehensive moral theory that can provide practical action guidance in all situations. I conclude the chapter with a reply to some of the critics who believe that it is impossible to integrate the Justice and Ethic of Care perspectives or that the Ethic of Care can never result in a moral theory (or portion thereof).

6.1 The Problem of Prioritization

It is clear that the Ethic of Care governs those relations which are personal and the Ethic of Justice governs relations with strangers, but which perspective is most applicable to govern the moral relations that fall between the two extremes of strangers and intimates? What of relations with acquaintances, work and school associates, neighbours and friends? Am I to utilize an impartialistic Ethic of Justice in my dealings with them, or the personally-oriented Ethic of Care? These questions must be answered before any attempt can be made to generate actual moral decisions, for the choice of perspective utilized will, in these cases, result in quite different moral prescriptions and possible outcomes.

Consider the following real situation of a student completing a Master’s degree. The student, in a state of financial hardship and pregnant, completed her degree in 8 months or two terms, thereby hoping to decrease the amount of tuition that she would have to pay. Unfortunately she had not realized that, unlike the undergraduate program, the Master’s program
was a flat rate yearly fee payable regardless of her early completion. The department, knowing of
her situation, could have chosen two very different approaches, each sanctioned by either the
Ethic of Justice or the Ethic of Care. According to the Justice perspective they could have
determined that they only owed the student the same treatment, assistance and services that every
other graduate student is given, and that since she had already used up her allotted Teaching
Assistantships and the avoidable mistake arose from her own ignorance, they could not help her
further and she would have to come up with the additional term’s worth of tuition unassisted.
Instead, they chose to exercise a more personal approach, which is in keeping with that dictated
by the Ethic of Care. Rather than have the student struggle (and possibly fail) to find funding
while caring for a newborn infant and perhaps put the completion of her degree in jeopardy, they
created a minimal-duty summer Teaching Assistantship equivalent to the amount of her
outstanding tuition. Given the dependence of the student on the decision the department made,
the approach that was taken which is consistent with the Ethic of Care is the most appropriate
one. The more inclusive, personal, Ethic of Care-oriented approach supports viewing the student
as an important member of the departmental group, a person in a position of (partial) dependence
who will be affected by whatever decision is made and is therefore owed an increased degree of
consideration, mandating the extra effort in order to help.

From this example one can see how important it is to provide some method of deciding
between two viable perspectives from which to view one’s moral relationships. While the Ethic of
Care and the Ethic of Justice are equally applicable in some instances, there must be some method
of prioritization that provides fully justifiable guidelines for one perspective to outweigh or
‘trump’ the other when they are in direct conflict, otherwise the decision regarding which
perspective to use becomes a matter of arbitrary choice—a decision ‘method’ which itself carries
no justificatory weight. If there are no guidelines for prioritizing, one could just as easily flip a coin to decide which perspective to use as s/he could decide based on, say, personal (in)compatibility or how much effort s/he feels like putting forth on others' behalf today. For example, the choice of a personalized approach in the above example might have been the result of the student being dedicated and amiable. If she had been perceived as being disinterested or 'difficult', the department might have opted for the impartial Justice approach to dealing with her problem. How one is treated morally should not depend exclusively on 'liking' or 'disliking'. Hence the necessity for a method of prioritization which can meet its justificatory obligations. So long as there are two or more equally appropriate but conflicting ways of approaching a moral issue, the problem of prioritization will remain and ultimately must be dealt with if practical decisions are to be made. Mill is right to say that: "there ought either to be some one fundamental principle or law, at the root of all morality, or if there be several, there should be a determinate order or precedence among them, and the one principle, or the rule of deciding between the various principles when they conflict, ought to be self-evident."\[316\]

6.2 Avoiding Prioritization: Two Attempts at Integration and Why They Fail

Finding a workable method with which to achieve prioritization is a difficult task. Many moral philosophers see the value of both the Ethic of Justice and Ethic of Care for moral decision making and try to retain both perspectives while avoiding the problems of prioritization. It has already been shown in chapter IV that the proposal that the Ethic of Justice can act as the primary moral approach with values central to the Ethic of Care included will not result in a comprehensive moral theory and thus be a viable integration option, for this approach leads to

\[316\] Mill, 1998 [1863], p. 133.
morally unpalatable results with regard to personal moral issues. Likewise, it was shown in chapter III that the alternative proposal, that the Ethic of Care can act as the primary moral theory with Ethic of Justice values included\(^{317}\), cannot constitute a comprehensive moral theory and viable integration option for the same reason, that it leads to inadequate results in the impersonal realm. Two other integration options have been suggested that are intended to avoid the problem of prioritization while still allowing individuals to use either or both perspectives in any and/or all moral situations: the ‘equal footing’ approach and the ‘gestalt’ approach\(^{318}\).

The equal footing view is held by Grace Clement and Jean Rumsey. Both authors suggest that the Ethic of Care and the Ethic of Justice are equally applicable to moral decision making, but neither offers a prioritization method for choosing between them when they are in conflict. Rumsey claims that “both justice and care are independently necessary for an adequate understanding of moral experience, in “personal” as well as “public” contexts”\(^{319}\), since both reveal different features or aspects of the moral experience. She explicitly rejects the need for prioritization, claiming that the habit of thought which views these two perspectives as mutually exclusive or requiring prioritization is a serious misinterpretation. The primary aim of her paper is to show that both perspectives are relevant in the personal realm, thereby forwarding her claim that both are equally necessary to the moral experience. However, in the course of the paper she never does explain what the nature of the ‘serious misinterpretation’ is, nor, like Clement, does she offer a suggestion as to how to choose between the two equally necessary perspectives when they are in conflict. One can assert that both perspectives are relevant to the personal or

\(^{317}\)These are integration options 1 and 2 from chapter I, respectively.

\(^{318}\)These are integration options 3 and 4 from chapter I, respectively.

impersonal realm, but that assertion does nothing to indicate which perspective should be used when a practical decision must be made. A simple example illustrates this point: on the rainy day of my job interview both my attractive but easily water-damaged dress shoes and my functional but rather ugly rain boots are appropriate apparel, but knowing this does not help me decide which footwear to actually put on if I cannot wear one pair and carry the other in order to change at my destination. Only detailed information will enable me to make a rational choice, taking into account my expectations of wet feet, damaged shoes, and interviewer’s impressions, which allow me to eliminate one option in favour of the other. By rejecting prioritization as a problem but then choosing not to deal with it further, Rumsey only ignores the problem, not avoids or resolves it. The problem of prioritization remains.

The gestalt view, suggested by Carol Gilligan and Peggy DesAutels, is that both perspectives are equally applicable but may not be used at the same time, much as two different books may be referred to separately but cannot both be read at exactly the same time, or as a monochromatic image can be identified either as two opposing black profiles or a white vase, but not both simultaneously. Gilligan and DesAutels see the Ethic of Justice and Ethic of Care as alternate ways to frame or understand a moral situation, each focusing on different dimensions of the situation and featuring different terminology, concerns, and conceptions of the nature of the moral problem. An individual tends to view moral problems from one perspective or the other until such time as s/he experiences an inconsistency or difficulty that cannot be accounted for and/or overcome by that perspective, causing her to completely shift to viewing the problem from

the other perspective to see if the inconsistency can be eliminated and the problem solved.

Gilligan is explicit in stating that the Ethic of Justice and the Ethic of Care are not opposites or mirror images of each other, but rather are different ways of organizing one’s perceptions. She also clearly states that the two perspectives are not readily integrated or fused.\(^{321}\)

As with the equal footing approach, knowing that there are two (or more) possible ways of organizing one’s perceptions and dealing with an actual moral situation does not provide a means of choosing which perceptual organization is most appropriate when the two are in conflict. With regard to the previous example, knowing that there are (at least) two different ways for the department to view the student’s problem and what constitutes morally relevant information does nothing to suggest which perspective to actually use when making their decision to offer or withhold assistance. Further, both the equal footing and gestalt approaches complicate moral decision making by forcing the individual to engage in two completely different moral calculations, one from each perspective, before having to compare and decide between the two different proposed and possibly conflicting outcomes. Thus, these attempts to avoid the problem of prioritization really only ignore it.

Rumsey, Gilligan and others believe that integration of the Ethic of Justice and Ethic of Care is extremely difficult or even impossible, primarily because of the prioritization problem. I believe that there is an answer to the prioritization problem and I intend to provide a means of choosing between these conflicting perspectives that is largely self-evident, which will be the focus of the remaining portion of the chapter.

\(^{321}\)Gilligan, 1987, p. 28.
6.3 The Search for a Link Between the Impersonal and Personal Moral Realms

What is the primary difference between impersonal moral relations between strangers and personal relations between intimates? Why is it that the Ethic of Justice works so well with relations between strangers but in large part fails in relations between intimates? Conversely, why does the Ethic of Care work so well between intimates while being extremely difficult and often impractical to utilize in relations between strangers?

When one interacts with strangers s/he has only a very basic, minimal level of generalized knowledge about them, their interests and desires as human beings. He knows nothing of others' particular needs, desires, aspirations, or their past, present, or future personal situations. He cannot predict with even a moderate expectation of accuracy how others are likely to react or be specifically affected by his action choices in a given situation. He knows only that he, as a human being, suffers physical, emotional and psychological pain, that he sometimes needs assistance from others while at other times needing protection from them. He knows that if he were injured and incapable of assisting himself, that he would want to be helped by others. He also knows that sometimes he is treated poorly by others and wants something done to rectify the injury he feels that he has suffered, even if it is merely an apology or acknowledgment of wrongful treatment. Limited to the possession of only a generalized knowledge about strangers, he can only apply that generalized, minimal knowledge and follow the guidelines of general, abstract principles that could apply equally to all persons whenever interaction is necessary and in so doing safeguard the general interests of those concerned. When applying for a bank loan, a woman knows that if she were in charge of assigning loans, she would require clients to make an honest and full disclosure of their relevant financial situation in order to protect herself and the bank from potential fraud. The loans officer knows that if he were the client in need of a loan, he would want a fair
consideration of his need and his ability to repay that is not affected by such irrelevant factors as his appearance, his commonlaw marriage relationship, or his penchant for exotic dance clubs.

Both participants in this impersonal relationship can apply their knowledge of the general interests of others to their own situation in order to dictate the appropriate moral course of action. The client will be able to see that she, too, is morally obligated to make an honest and full disclosure about her financial situation. The loans officer will be able to see that he should limit consideration to only those relevant facts pertaining to the client’s financial need and repayment ability. It is not necessary that each know any particular detail about the other or his/her life beyond the relevant details and the fact that the success of the transaction depends on fair treatment on both sides. This is why the Ethic of Justice is particularly well-suited to the impersonal moral realm where personal knowledge is not necessary, for it utilizes generalized, abstract principles as action guidelines that, being universalizable, can be applied to all individuals in similar situations. The Ethic of Justice obligates certain actions, such as respectful and equal treatment, and protects general welfare by precluding others, such as nepotism.

At the other extreme, relations between intimates are characterized by possession of a high degree of information about both the personal life situation and personal interests (needs and desires) of the individuals involved. Indeed, possession of this knowledge is what allows one to characterize the relationship as ‘close’ or ‘intimate’: that one knows the details of the other’s personal life situation as well as many intimate details regarding their personal interests which are not often shared with others, such as their particular needs, goals, dreams, fears, concerns, secrets and the like. This increased knowledge about the individual allows for increased ease of identification of information relevant to the moral decision, as well as allowing for an increased flexibility in conflict resolution owing to the greater number of potential options that knowledge
of the various relevant details has made available. Further, this increased knowledge entails an expectation on the part of those with whom one is intimate to take that information into account when making one’s decisions to the extent that these individuals are vulnerable to or affected by one’s choices. A husband, knowing of his wife’s long-term need for frequent attention and treatment for a medical condition, should not unilaterally decide to move the family to a remote outpost in the Yukon, simply because he can obtain lucrative employment there. He is obligated to factor her medical needs, as well as her personal interests and the situation and interests of their children, into any decision that he makes in which they are significantly affected and that information may be relevant. The expectation is that the moral decision maker will be able to recognize and employ relevant information in a way that includes the interests of affected individuals to a degree determined by the level of the decision’s effect upon them—little effect calling for minimal consideration, increased effect calling for increased consideration. This means that the decision maker is morally obliged to consider and safeguard, maintain and/or promote to varying degrees the well-being of those whom her decision affects, which is typically those closest to her, because she knows in large part what constitutes that well-being and can significantly help or hinder achievement of it. In doing so, she is acting in accordance with the dictates of the Ethic of Care, which calls for the maintenance of the web of relationships through the safeguarding, maintenance and/or promotion of the well-being of those affected by the decisions being made.322

The increased knowledge about our intimates also allows for an increasing willingness to

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322The reason this promotion of the well-being of individuals with whom one has a relationship does not translate into nepotism is that this kind of special obligation is only binding in the personal realm, not in the impersonal. If one were to face her nephew as a prospective applicant for a job she is hiring for, the contextual details of that situation place if firmly within the impersonal realm and their relationship in this context will be governed by the Ethic of Justice, which precludes nepotism. A further discussion of this will occur in the next section.
accept excusing reasons as a justification for mitigating responsibility and blame. Imagine the situation where I receive a call from my daughter’s school saying that she is very ill and that I must come and get her immediately. The school is some distance away and the only vehicle I have access to is my brother’s car, but he is in class and I cannot reach him in order to ask his permission to borrow the car. Since I don’t expect him to return home before I do, I feel no need to leave him a note explaining my actions. Unbeknownst to me, my brother’s last class is canceled and he returns home to find his car missing. While he may be initially angry about my taking the car without his permission, as soon as he finds out that I could not reach him to ask permission and had to pick up my ill daughter immediately, he will most probably accept my apology and hold no, or little, residual anger. For he knows enough about me and my driving skills to know that his car was not in danger (from me, at least) and that I would not lie to him about the nature of the situation. He is also aware that, because of the closeness of our relationship and a reciprocal degree of dependence upon each other, he has an obligation to provide (limited)\textsuperscript{323} aid to his sister and niece that is above and beyond the general moral obligation he has to help strangers in need. Now consider the same situation, only involving a little-known neighbour with a sick child, no transportation, and my brother’s unlocked car sitting in the parking lot with the keys above the visor. Should the neighbour borrow the car, even for an honourable and highly desirable reason such as the safeguarding the welfare of her child, a reason with which most people will empathize, it is still highly unlikely that my brother would be as understanding as he would be in my case. The action of ‘borrowing’ a car without

\textsuperscript{323}The limitation here results from the fact that he is brother and uncle, rather than spouse and father. Our relationship, while close and featuring a degree of dependence and vulnerability to his decisions, is less so than it would be if the person under consideration were my husband, who has a more direct and compelling obligation to provide aid because of the intimacy of our relationship and the very high degree of dependence and vulnerability.
permission—technically theft—and the motivation of aiding one’s child are the same in both cases, but the car owner’s perception of the situation, his obligations to provide (even unwillingly or unasked) aid, and how willing he is to accept excusing reasons will differ depending on whom is involved and what he knows about them. This is further illustrated if we consider neighbours with whom we are friends as the borrowers of the car. Even though there is no question of dependence and my brother has no obligation to provide help beyond the general moral mandate, if he has reason to believe that the neighbours are trustworthy, honest, responsible people, then the borrowing of the car will matter somewhat less to him than it would when the neighbours are strangers and he knows nothing of the borrower’s intent, integrity, driving ability and honesty in representing the situation.

Finally, there is a direct link between increased knowledge about the individuals with whom one is engaged in a relationship, and increased closeness or intimacy within that relationship that makes it more personal. Consider the example of spouses, one of whom is reticent, perhaps even secretive, about certain aspects of her life. In spite of their degree of physical intimacy, the husband may still feel that he ‘does not know’ his wife. The sense of relational—as opposed to physical—intimacy is lacking because the husband has an awareness that his wife is ‘holding back’ regarding herself and her own life and this impedes the sense of being involved in a close, personal relationship. Contrast this with partners who share certain intimate information exclusively with one another. This may include such disclosures as: past and present embarrassing experiences at school or work; past dating or other relationship disasters and triumphs; secret feelings regarding one’s siblings, parents, and others, or even one’s own abilities, one’s deepest hopes and fears; or long-term plans that one is afraid all others (except one’s partner) might see as fanciful, unrealistic dreams. The information shared does not have to be
monumental; what is important is the knowledge that the information shared is of a personal nature or is exclusively pertinent to the individual relating it and is shared with few, if any, others. Knowing things about one's partner that few, or no, other people know deepens the sense of having a very personal and closely private relationship, while a dearth of this kind of knowledge indicates that the relationship is less personal than it could be.

It appears, then, that differing levels of knowledge about those affected by one's moral decision making plays a significant role in both the impersonal realm, where a lack of more than general or basic knowledge about people *qua* human beings requires generalized guidelines for decision making, and the personal realm, where an abundance of knowledge calls for the decision maker to make use of specific contextual details and personal information. What about those situations involving individuals about whom we know certain things regarding their personal situation but have only a minimal or limited knowledge of what constitutes their personal interests? Individuals in this category would include but not be limited to: acquaintances, coworkers, relatives and friends with whom we do not share a close relationship, and neighbours. When considering moral relations with these types of individuals, once more we find ourselves having to decide which moral realm and which moral perspective these relationships may appropriately fall under, but this time an answer to this problem is suggested by appealing to the concept of increasing depth of knowledge.

6.4 The Continuum of Moral Relations

At this point I want to introduce a concept suggested by Kekes, that “[o]ur moral practice can be represented on a continuum ranging from those that concern only the individual to those
that concern society as a whole. Viewing moral relations as a continuum is particularly useful concept, because it fits with both our ordinary observations and our intuitions that there are impersonal relations between strangers, personal relations between intimates, and the rest of moral relations fall somewhere between the two. It also fits with the implication that what links and distinguishes between relations in these realms is a differing level of knowledge regarding the personal circumstances and personal interests of those involved. (See fig. 1) While this may not be the only feature which links and distinguishes the two realms, it is a prominent one which can be utilized to accurately describe the nature of moral relations and offer at least one viable account of how the impersonal and personal realms can fit together, all while offering a method of prioritization.

<table>
<thead>
<tr>
<th>Strangers</th>
<th>Acquaintances</th>
<th>Neighbours</th>
<th>Friends</th>
<th>Close Friends/Family</th>
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*figure 1* Increasing depth of knowledge

It could be objected that the concept of a continuum of moral relations undercuts the distinction between the personal and impersonal as separate but related realms of morality that I have previously argued in favour of. But this impression is inaccurate. The two realms are separate in that they occur at opposite ends of the continuum and use different governing moral theories, but they are related in two important ways. Firstly, there is a place for the Ethic of Justice within the personal realm and a place for the Ethic of Care in the impersonal realm, although those roles are minimal. This shows that the two realms are not completely distinct. Secondly, the middle range of the continuum involves relationships that can be either personal or

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impersonal, or both, depending on the context of the situation. There is no sharp dividing line
that marks the end of one realm and the beginning of the other, just as there is no sharp dividing
line in counting hairs or grains of sand before which one is not bald or does not have a pile of sand
and after which one is bald or does have a pile of sand. One cannot simply say that once he leaves
his home in the morning, all relations he has before returning home are going to be impersonal,
and the relations he has once he gets home are going to be personal. I have already shown
elsewhere that this is not the case. It is easy to draw a sharp distinction when using the
public/private dichotomy, because it is easier to distinguish when harm is being done to others and
when society has an interest in the actions of the individual. However, for reasons discussed in
chapter IV, this is not the distinction that I am using. Since the personal/impersonal dichotomy
relies on the substitutability of individuals and the context of the situation to determine whether a
relationship should be governed by the Ethic of Care or the Ethic of Justice, the determination of
whether substitutability is possible can be done in all situations from one end of the continuum to
the other. The concept of a continuum of moral relations is compatible with the fluid nature of
the personal/ impersonal dichotomy.

Since moral relations can be described as occurring on a continuum characterized by depth
of knowledge about those individuals with whom we are engaged in moral relations, the Ethic of
Care and the Ethic of Justice can interact. Most moral relations we experience will fall clearly
into the realm of personal or impersonal, but many will fall somewhere in the middle of the
continuum and will bear elements appropriate to both moral concepts. Impartiality and minimal
regard for contextual detail becomes increasingly less appropriate to the moral relations between
individuals as their knowledge about each other deepens and their relationship becomes more
personal, and elements central to the Ethic of Care become more prominently featured in decision
making. Likewise, personal feelings of responsibility and care decrease as the depth of one’s knowledge about the individual decreases, calling for a more generalized approach such as that of the Ethic of Justice. It is in these situations in the middle range of the continuum where the problem of prioritization resurfaces.

Whether the Ethic of Justice or the Ethic of Care is more or less appropriate for conflict resolution will be determined by the relationship’s position on the continuum in accordance with the level of relevant knowledge one has about those involved with or affected by the situation and decision. Since the aim of both moral realms and their associated perspectives is to promote, maintain and safeguard the interests of those involved and affected (to varying degrees), individuals in all relationships anywhere across the continuum will have either their general or specific interests protected by action choices that are made in accordance with either perspective. This ensures the morality of such decisions. The possession of knowledge about the situation’s context and about the affected individuals sufficient for consideration of personal circumstances and personal interests calls for the Ethic of Care and utilization of that knowledge to promote the best possible state of affairs for those involved. The possession of minimal personal knowledge suitable for allowing only appeal to contextual details calls for the Ethic of Justice and utilization of abstract principles equally applicable to safeguarding the general interests of those involved. In following these guidelines, the decision maker is promoting, maintaining or safeguarding the interests of those involved or affected to the greatest extent allowed by the situation and the nature of the relationship. Since the appeal to personal information associated with the personal realm and the Ethic of Care can do this to a greater extent than the Ethic of Justice, because it safeguards specific rather than general interests and in doing so safeguards a greater range of relevant interests, it is morally appropriate that the personal realm and Ethic of Care be given
priority for decision making. What is most important, morally speaking, is that as many of the
relevant interests of involved and affected individuals as possible are protected, and it makes
moral sense to utilize the perspective best able to achieve this. Hence, the individual has a moral
obligation to make use of the knowledge that s/he has at hand about the situation and the interests
of those involved when making his decision, ‘falling back’ on the Ethic of Justice only in the
following situations when appeal to the Ethic of Care is not appropriate: when relevant personal
knowledge is absent and not capable of being readily obtained; when application of specific
personal details is highly impractical, as in public policy decisions, or when the personal
knowledge regarding the individuals involved is irrelevant to the situation under consideration
(such as in impersonal morality situations, like hiring).

The priority given to the Ethic of Care does not imply that all situations are appropriately
dealt with in its terms. Whenever personal information is relevant to the decision being made, this
indicates that the Ethic of Care is appropriate to guide those relations that do not fall clearly into
one realm or the other. However, in those situations where personal information is not directly
relevant, or only limited personal circumstance information is relevant, or the personal information
is relevant but cannot be obtained, then the relationship should be governed by the Ethic of
Justice. It is also the case that there may be an appeal to Ethic of Justice values even in situations
where personal relationships are involved, again, whenever personal information is not directly
relevant to the decision being made. For example, in family situations that do not involve more
than minimal relevant personal information details, such as can occur when considering the
division of domestic chores or choice of leisure activities, the Ethic of Justice is appropriate for
guiding decision making. It may be that this weekend I choose from among our options which
leisure activities we participate in as a family, next weekend my daughter chooses, and the
following weekend my husband chooses; or, I clean the kitchen, my husband cleans the bathroom, our daughter sweeps the common areas of the house, and we each keep our own bedroom (or portion thereof) clean. There are no compelling reasons why one particular person should either consistently decide about our leisure activities or consistently do the majority of the household work. In these cases there is an element of substitutability of individuals that is absent whenever more than minimal consideration of personal information is required. This substitutability of individuals puts these kinds of situations into the impersonal realm and under the governance of the Ethic of Justice, because it is not the person who is important, but rather their role.

This also means that when one is in an impersonal situation and is engaged in an impersonal relationship with someone with whom she also shares a personal relationship, the Ethic of Justice will be the perspective governing their impersonal relations—unless, of course, there are relevant elements of the situation that dictate that it should be governed by the Ethic of Care in order to most fully promote the interests of all concerned. For, in most situations when people are in the impersonal realm there is this same element of substitutability of individuals that is absent in the personal realm. In the situation where an employer needs to hire someone, only one of the two possible types of personal information is even minimally relevant to the hiring decision: the individual’s qualifications for the job is what is important, not who they are. So long as Glen, Dave, and Lori all have the required qualifications, it does not matter which one of them gets the job, they may each be substituted for the other without making a significant difference to the prospective employer. This will not change if it is Lori’s husband who is making the decision regarding hiring; in order to make the moral decision, he must govern their employment relationship as an impersonal relationship and not assign undue consideration to her because the personal information he has about her is completely irrelevant to the situation. Even if the
decision maker has information about the job applicant in front of him, for example, that Glen’s mother is dying and he needs the job to support himself while being near his mother, so he can take care of her after work, that information is not relevant to the hiring situation. It may be relevant if Glen has been working for the company for a while and the situation with his mother suddenly arises, but this information is relevant in this case because of his particular dependence on the decision of the employer and because Glen and his employer already have an established relationship on which that dependence is based. He only has one employer, thus he is dependent on the decisions of that employer. If Glen is merely seeking employment and the information is disclosed, perhaps during the interview, Glen is dependent to an extent on the decision of the interviewer regarding whether or not to give him the job, but this dependence is no greater than Glen’s dependence on the decision of any other interviewer he sees. In other words, there is a substitutability of the employer and the employee in the hiring example that is only present in a greatly reduced extent in the example where Glen is already an employee and subsequently finds out his mother is dying. To use Hardwig’s terminology regarding the distinction between personal and impersonal relations, in the hiring situation the employer needs someone who will meet his employment needs and Glen needs someone who will give him a job at a company whose location is close to his mother’s. The personal information that Glen’s mother is dying and that is why he needs the job is not relevant in this case, because it is not relevant to filling the role of employee and the degree of Glen’s dependence on the interviewer’s decision is not enough to generate a corresponding obligation on the part of the interviewer. However, if Glen is already an employee, then Glen needs Mrs. Smith, his manager, to approve shortened work days and Mrs. Smith needs Glen to be at his post performing his particular job (perhaps he is the only one trained to do this job), but she also will have a more dedicated, and ultimately productive, worker
if Glen’s particular needs can be accommodated. There is a greater degree of dependence that
does generate a corresponding obligation on both parties in this case, although it should be noted
that since any other individual with an adequate level of training and skill could do Glen’s job and
take over his role as employee in this regard, an element of substitutability remains.

The priority of the Ethic of Care in conjunction with the moral obligation for decision
makers to refer to any relevant personal information of involved and affected individuals means
that there are times when consideration of the values of the Ethic of Care is necessary in
impersonal relations. Consider, for example, the treatment of substance abusers in rehabilitation
facilities. The staff and abuser begin with an impersonal relationship and if that relationship
continues to be impersonal, then the abuser will not receive the counseling and attention to her
specific problems that will facilitate her recovery. Clearly every substance abuser is different,
having different life experiences and different reasons for becoming addicted. Ignorance of those
facts will not promote the interests of the abuser, so the relationship must become more personal
for the good of the individual and society at large, which will also benefit for the abuser’s
rehabilitation and return to social productivity. The same may be said for prisoners in jail or
welfare recipients. If the aim of incarceration is prisoner rehabilitation rather than merely
sequestering her from society, then attention must be given to the reasons why she ran afoul of
the law, which requires that the relationship between prisoner and counselor (or whomever is in
charge of her rehabilitation) becomes more personal. Similarly, each prospective welfare recipient
is assigned a case worker who is charged to look at the specific details of that person’s situation
and help him identify ways of regaining self-sufficiency, perhaps through retraining. This also
requires that the relationship which begins as an impersonal one become, to a certain extent, more
personal through the provision of personal information regarding personal circumstances and
personal interests of the recipient.

The difference between relationships in the personal realm and these ‘personalized’ impersonal relationships is that, in the former, the relationships are to a large extent mutually personal, which is to say that each has personal information about the other, while, in the latter, only one person provides personal information and does not receive a corresponding degree of personal information regarding the other person. This is fully in keeping with the priority given to the Ethic of Care, because in order to promote and protect individual interests, the medical worker, jail guard, and welfare worker do their jobs by attending to the history and specific interests of the recipients of their services and by providing assistance geared to promotion of those interests. This is to say that there are relevant reasons to appeal to that personal information, which dictates that the values central to the Ethic of Care should be used to govern those relationships. If these workers do not try to minimize and avoid harm for their recipients or do not appeal to their personal information in making choices for service provision, then they are not doing their job and are also not acting morally. Of course they will only want to maintain the relationship, a central tenet of the Ethic of Care, so long as it is healthy for the recipient to do so; once maintenance of the relationship no longer serves the recipient’s interests, such as when she is fully rehabilitated or regains self-sufficiency, then it is appropriate that the relationship be severed.

What of public policy formation that ultimately governs the types of relationships identified above? Is there any place for the values central to the Ethic of Care in it? Clement certainly believes so, in spite of critics’ claims regarding its inappropriateness for direct use in public policy formation, and she spends a significant portion of her book trying to defend her position. I suggest that there is a place for these values, but that that place is limited. It is impractical to consider specific individual interests in public policy formation that is meant to
accommodate a multitude of people. However, policy makers should realize that, in many cases, their policies will not work or achieve the desired end unless consideration is given at the case worker-recipient level to individual circumstances and interests that impact on the achievement of that end. Therefore, policy makers can include a provision for this within their general formulation of policy which requires case workers to gain and utilize relevant personal information from the recipient and also allows case workers some leeway in making justified exceptions to standard operating procedures. To illustrate, consider the following true situation: there is a Social Services policy that states that a student who has received government student loans cannot also obtain welfare payments for that same time period. This policy is just and should generally be applied impartially. However, sometimes student loan or Social Services officers are right to make exceptions in the spirit of the Ethic of Care. Officers who gain more relevant personal circumstance and personal interest information and therefore have a more complete picture of the individual’s situation ought to use that information to promote the welfare of the individual as far as possible. For example, if short-term promotion of individual welfare is a goal of Social Services, then determining that a student has medical reasons for not obtaining employment to supplement his student loans justifiably allows overriding the official policy and the provision of a supplementary stipend to allow the impoverished student to pay rent, eat, and afford medical coverage and prescriptions. To fail to utilize this relevant information would fail to promote his welfare and interests, as well as failing to meet the mandate of Social Services, amounting to a moral wrong.

Likewise, while it is just to impartially enforce the public policies regarding the incarceration and care of prison inmates, it is morally right to allow an element of the Ethic of Care to influence decisions in those cases in which doing so will promote the inmate’s welfare,
which is often to promote society's general welfare as well. This is true so long as the mandate of
the criminal justice system is the promotion of social and individual welfare, rather than merely the
sequestering of offenders (dangerous and otherwise) or the satisfaction of a social desire for
retribution by taking punitive measures against them. For example, the fact that Tim is
imprisoned on weapons and assault charges places his treatment under the governance of
impersonal morality and those public policies directly relevant to his situation. However, if prison
counsellors want to promote Tim's welfare, they should learn why he has been imprisoned so that
they can help him find ways to improve his situation and avoid further run-ins with the law. If
they understand that the reason Tim joined and followed the dictates of his gang is that he never
learned to read and therefore abandoned school and could not find legitimate work with pay
comparable to what he receives by breaking the law, then they can work to obtain tutoring for
him that widens his range of opportunities after leaving prison. In doing so, they not only
promote Tim's welfare by helping him obtain the skills necessary for lawful employment, they also
lower the recidivism rate for one offender, which promotes society's welfare.

Similarly, substance abuse counselors, upon learning that their patient has no where to go
after release but back to the drug-riddled streets, can work with Social Services to help her find
an apartment and relocate to an area of town that will not be so tempting as to interfere with her
recovery. Doing so promotes the patient's, and by extension society's, welfare in a way that
would not be possible if these counselors and officials had stuck strictly to the dictates of the
public policy. If policy makers truly have the interests of their recipients and society in general in
mind, then, in order to do their job and achieve socially desired ends, they must include provisions
for the obtaining and utilization of relevant information (specificity) and allow for justified
exceptions to policy, all of which reflects the values of the Ethic of Care.

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The idea here is that, in order to make the right moral decision, one must start by placing the relationship in one realm or the other, based on the level of information that one has about the others involved and the contextual details of the situation. Then, if it is dictated by the contextual details or by the need to promote individual welfare, the decision maker can modify his approach by inclusion of the appropriate values from the other realm and moral theory. This inclusion of the Ethic of Justice values within personal relationships and Ethic of Care values within impersonal relationships may be visually represented in the following manner:

![Diagram showing the relationship between Impersonal Morality and Personal Morality with depth of knowledge about individual as a factor.]

6.5 The Three-Step Process for Determination of Appropriate Moral Realm and Theory for Use by Decision Makers

For relationships that occur at either end of the continuum, it will be easy to determine whether they are impersonal or personal and subsequently to determine the appropriate governing perspective. However, in the middle of the continuum, there are relations which it is much more difficult to assign to a particular realm. These include the general category of ‘friendly acquaintances’ or ‘distant friends and family’ about which we have some limited personal information but the relationship makes it possible to readily obtain more. For example, my colleagues in the UBC Philosophy Department fit into this category. There are also relations for
which both the Ethic of Justice and the Ethic of Care can provide an answer, making it difficult to
know which perspective to use. What is needed is a decision making procedure for assigning the
problematic middle-range relations into one realm or the other so that they may be governed
appropriately, as well as a method of prioritization for when both perspectives are equally
applicable but only one can be utilized.

The decision making procedure that indicates which moral realm a relationship falls into
and the appropriate moral perspective to govern action choices can be formalized into a three-step
process that can be followed in making all moral decisions within this problematic range. It
could also be used generally to correctly place any relationship in its appropriate realm, but this is
usually not necessary.

First, as decision maker, I must assess the situation, determining what information is
relevant to that situation and the decision to be made. This is the first, inevitable step in deciding
what is at issue, what might be done and what is not an option, and is necessary regardless of
what moral theory one is using, or whether or not one accepts my own account. What
constitutes specific information relevant to the situation and possible decisions will vary, but it is
possible to arrange this information into three general categories: contextual details, which
encompass the details of the situation itself and will therefore always be present and require
consideration regardless of moral realm, for example, that I am an employer looking to interview
and hire someone with x amount of experience and y degree of education; and personal
information regarding both the personal life circumstances of those affected by the situation and
the decision to be made, for example that a potential employee has a sick spouse or child and may
need time off work; and personal information regarding personal interests, such as the

325See Appendix V.
individual's goals, desires and aspirations, fears and concerns, his emotional, psychological and spiritual needs and issues, et cetera. While contextual information regarding the situation will always need to be considered, this is not the case with personal circumstance and personal interest information, which may range in relevance from non-applicability up to and including the majority of relevant information coming from these sources. Whether or not these personal types of information are relevant and to what degree is ultimately what dictates association with a particular moral realm and moral perspective.

The next step is the comparison of the knowledge or information one has with the information deemed relevant and may include further information acquisition. If one has all of the information s/he needs, or has determined that the information cannot, for various reasons, be obtained, then he can move directly to the third step, which is determination of appropriate moral realm and associated moral perspective. If the relevant information is absent but it is possible to readily obtain it, then he must do so before he can move forward in the decision making process, otherwise he is open to charges of failing to make a substantially informed decision and adequately consider the interests of involved and affected individuals, which he is morally obligated to do.

The third step utilizes the assessment made in step 2 of the type and degree of relevant information the decision maker has available to directly dictate whether the relationship is primarily impersonal or personal and is therefore guided primarily by principles from the Ethic of Justice or Ethic of Care:

- If the situation and decision call for only contextual information, or primarily contextual and extremely limited personal circumstances information, such as in an employment situation or when strangers or acquaintances are involved, then the situation falls primarily into the impersonal realm and decision making is guided primarily by the Ethic of Justice. I include the limiting term 'primarily' here to reflect the fact that the limited personal information must still be considered so long as its inclusion is relevant, and thus some
small portion of the personal realm and the Ethic of Care may play a factor in decision making in these cases.

- If the situation and decision call for the use of contextual plus personal circumstances and/or personal interest information and the degree of personal information possessed is sufficient to allow consideration, thereby entailing a decision that promotes, maintains, and safeguards the interests of those involved, the situation falls into the personal realm and decision making is guided by the Ethic of Care.

- If the situation and decision call for the use of contextual plus personal circumstances and/or personal interest information and the degree of personal information possessed is not sufficient to allow a personalized decision and could not be readily obtained, the situation is treated as if it were within the impersonal realm and decision making is guided by the Ethic of Justice.

- If the situation and decision call for the use of contextual plus personal circumstances and/or personal interest information and the degree of personal information possessed is minimal-to-moderate but still sufficient to allow some known interests to be promoted, maintained and/or safeguarded, then the situation falls primarily into the personal realm and decision making is primarily guided by the Ethic of Care, although some Ethic of Justice principles may be relevant and their inclusion in decision making thereby morally mandated.

Hence, the relevance of personal circumstance and personal interest information for the situation and possible decisions indicates a personalized decision is necessary and the inclusion of principles from the Ethic of Care perspective will be necessary to some degree for guiding decision making. This makes sense if we consider that in the impersonal realm, moral problems tend to be less complex, usually they are a matter of conflicting general rights involving, say, a person receiving unfair treatment or an individual appealing to personal information when it is not relevant to do so (ie. nepotism). Moral situations become complex when personal information becomes relevant and therefore calls for a varying degree of consideration of a variety of needs and interests. Whenever this happens, decision makers must proceed slowly and carefully in order to make a substantially informed decision that considers all the relevant information possible and promotes the best possible state of affairs for all concerned.
This may be translated into a ‘rule of thumb’ for prioritization or determining which perspective to use when both are equally applicable: when in doubt, ‘err on the side of Care’. Any doubt on the decision maker’s part arises from the complexity of the situation. Straightforward issues requiring only consideration of contextual details leave no room for doubt that the relationship is impersonal and the Ethic of Justice is appropriate. Hence, the presence of situation complexity requiring appeal to personal information is a handy indicator that the situation and relationship falls within the personal realm and should therefore be governed by the Ethic of Care. The priority of the Ethic of Care perspective is also strengthened by its appeal to contextual details and personal information that, at the end of the day, serve the same general function as the Ethic of Justice: to promote, maintain and protect the interests of those involved. Hence, decision makers do not have to fear that they are losing the opportunity to appeal to and utilize any valuable protective principles from the Ethic of Justice, for the opportunity to appeal to those principles remains, and the Ethic of Care is serving the same protective function, only in a more efficient and encompassing way. This is because the Ethic of Justice is only able to refer to and therefore safeguard a narrow range of general interests, while the Ethic of Care perspective is able to refer to and thus safeguard a broader range of interests as defined by the individuals themselves. This allows for a moral decision that more closely meets the needs of those affected and allows for a more flexible approach to conflict resolution and therefore justifies the priority given to the Ethic of Care as the most appropriate source of action-guiding principles in most cases.

Finally, the moral injunction to appeal to the necessary relevant information one has regarding the context, personal circumstances and personal interests of all involved allows ‘depth of knowledge’ to meet Mill’s criterion that any method of prioritization must be self-evident.
Since decision makers must utilize this information anyway, it is clear or self-evident that the degree or depth of information dictates prioritization of one realm and one moral perspective over the other, depending on which is indicated by the individual situation.

6.6 Examples to Illustrate the Decision Making and Prioritization Procedure

This decision making and prioritization procedure can be easily illustrated by considering the following example:

An employee of a large company is approached by the supervisor of another department who is looking for information. The employee’s cousin is being considered for a job in the supervisor’s department and has listed the employee as a reference on his application. The supervisor would like to know what the person is like, including his work habits and general character, and directly asks the employee for this information after she mentions the familial link during their conversation. The supervisor assumes that he will obtain a more honest and thorough answer than he would if he contacted the cousin’s past employers. The employee does not have a close relationship with her cousin, but she does know that he has been unemployed for a year and needs work because he has become engaged, and that he would benefit from having this particular job because of its pay level, benefits, and proximity to his home. However, she also knows that the cousin is sometimes undependable and that he was dismissed from a job ten years ago due to the suspicion of theft, although no charges were brought. The employee views herself as having a responsibility both to her employer (the company) and to her cousin, but does not know which should take precedence.

In this example, the relationships fall into the problematic middle range and the employee is in possession of all three types of information. She knows what kind of relevant skills and work habits her company needs and wants from its employees (contextual); she knows that her cousin has been unemployed and needs work, especially at the pay level being offered, and that he has the work experience and skills to meet the company’s needs (personal circumstances); and she knows that in the past her cousin has sometimes been lazy and undependable, that he may or may not be a thief, and that he wants both the job and to get married in the near future (personal interest). Her problem in this situation is deciding which information is relevant to her decision to
speak candidly or not, the determination of which will also dictate the appropriate moral realm the relationships involved fall into. There is no question of the cousin being directly dependent upon the employee for the promotion of his welfare; she is not the only means by which he can gain employment. He is also only marginally vulnerable to her decision, because he is responsible for his own past actions and her revealing these actions does not create a new difficulty for him. Hence, there is no compelling reason to give priority to the personal realm and the Ethic of Care. The personal interest information she has regarding his engaged status is not directly relevant to the employment situation. Further, the suspected theft took place ten years ago and without confirmation of an actual crime having taken place and/or more recent evidence of the cousin having committed a work-related crime, this information is too dated and unsubstantiated to be morally relevant to the current situation. People can and do change and mistakes that may or may not have been made in the past should not be held against them today, morally obligated the employee to give her cousin ‘the benefit of the doubt’ and not say anything about the suspected theft. Likewise, his past laziness and undependability may also have changed, particularly since he is now concerned with providing for a future wife as well as himself. He might make an excellent asset to the company, now that he has had a chance to mature. Therefore, this information is also not relevant to the employment situation and should not be included. This leaves only the personal circumstances information to consider, since the contextual details will always be relevant. Not all of the personal circumstances information she possesses about her cousin will be relevant to this employment situation, for example that he has student loans or gambling debts to repay. The personal circumstance information that is relevant is that he needs or wants the job.

326 Of course the fact that he has gambling debts to repay might be relevant to an employment situation, if it indicated a propensity for the employee to take risks with money and/or focus more on gambling than on working and if his performance of the job were potentially affected by these propensities. These propensities would be most
and that he has the work experience and the skills to meet the company’s need.

Since no personal interest information and only limited personal circumstance information is relevant, this places the employee’s relationship with her cousin in this employment situation into the impersonal realm. Her choices should be governed primarily by the Ethic of Justice. She should not discuss his faults which might exclude him from consideration, nor should she do anything to help him get the job or give his application undue consideration. She should limit her discussion with the hiring supervisor to her cousin’s relevant work skills and experience and distance herself from a personal interest in the status of his application. It should also be noted that by refraining from discussing her suspicions and knowledge about past behaviours, the employee is also promoting the values central to the Ethic of Care within the impersonal realm. She is refraining from causing harm to the individual, even though she possesses information which could be used to that end and that her employer may want to have. This not only maintains her personal relationship with her cousin, it also promotes his interests in having a fair chance at obtaining the job. Granted, she also has an obligation to prevent harm as far as possible to the employer and to her own reputation (since she is speaking for her cousin), but in this case where there is so much doubt about the relevance of her cousin’s alleged past behaviour to the current employment situation, she is right not to complicate the situation by referring to possibilities and unproven allegations from the past. Further, she knows that her employer is protected both by the law and by the probationary period that all employees must pass before being taken on permanently. Should she prove to be mistaken about her cousin’s apparent improved work ethic, then this will likely manifest itself during the probationary period and the company can discharge the cousin without being greatly harmed itself.

relevant to jobs in the financial sector, such as commodities trading or investment brokerage, or if the job is in a casino or at a racetrack that allows betting.
To further illustrate this decision making and prioritization procedure, consider this additional example:

A man has worked as a shipper-receiver at a company for four months, having successfully passed his probationary period and obtained the status of permanent employee. In October his wife is diagnosed with a rapid-onset cancer that will kill her in less than six weeks. He asks his employer for a leave of absence of no more than two months so that he may spend his wife’s remaining time at her side, deal with the funeral, and to adjust to the inevitable loss. This places his employer in a particularly difficult position because the pre-Christmas season is their busiest shipping period and if they are short-handed and cannot ship the expected volume of merchandise, it will adversely affect their sales and profits. The employer is also concerned that the wife might ‘hang on’ longer and that the two month leave of absence could end up being extended, further disadvantaging himself, his department and the company. There is still enough time for the employer to train a new employee before the shipping rush begins. He must decide whether he is morally (rather than legally) obligated to grant the leave of absence and accept the associated difficulties of doing so, to deny the leave and have a potentially depressed and resentful employee, or is allowed to dismiss the employee and hire a new one to replace him.

This example also has relationships that fall into the middle range of the continuum and the employer also has all three types of information. He knows both the needs of his department now and in the coming busy season, he knows that the employee has the skills and experience to pass his probationary period and be hired on permanently, and that so far, he has been a dedicated employee and a valuable asset to the shipping department (contextual); he knows about the conflict that the employee finds himself in regarding his obligations to his job and his wife, and that these circumstances are only temporary (personal circumstance); and he knows, from the employee’s statements and request for the leave of absence, that the employee has an interest in spending all the time he can with his wife during her final days (personal interest). As in the first example, one issue here is which of these types of information are relevant to the employer’s decision whether or not to grant the leave of absence. However, unlike the previous example, in this case the employee is directly dependent upon the employer and his decision, as is the
employee's wife. The employee must have money to pay his bills, especially with an impending funeral to pay for, and his continued employment will be determined by the employer's decision. He also has a strong emotional need to spend time with his wife, and she to spend her last days with him, and the employer is directly responsible for making the decision that will either allow or thwart this need. For these reasons, the employee and his wife are also vulnerable to the employer's decision. The other employees will likely have to assume a heavier work burden if the employer grants the leave of absence, so they will be affected by the decision but not to the extent that the employee and his wife will be. Before even considering which types of information are relevant to the situation, these facts provide compelling reasons to place this relationship between employer and employee under the aegis of the Ethic of Care.

As was not the case in the previous example, the personal interest information is relevant to this situation because the wife's terminal illness plays a significant role in the employee's work performance. If he is not granted a leave of absence and cannot afford to quit, then he will likely be angry and resentful with his employer and depressed about his inability to spend the time he feels necessary with his wife. This will probably affect not only his work performance, but his sense of dedication to the job and loyalty to the company and his co-workers. Any diminishment of work performance is a direct result of the employer's decision, making consideration of this information relevant to the employer's decision making process. No further consideration of the other types of information is required, because as soon as personal interest information is relevant to the situation under consideration, this automatically dictates that the decision be made according to the Ethic of Care.

The employer has a moral (rather than legal) obligation to consider the interests of all

\[327\text{Because the wife is also directly affected by the decision made, her interests must also be considered in this case.}\]
concerned: the employee and his wife, versus the interests of the other employees, the department, and the company as a whole. Refusing the request for a leave of absence or firing the employee will result in a significant harm to him and his wife, will cause the department to lose a valuable employee, and there are few other options for them to pursue as a compromise. On the other hand, the rest of the staff will not be significantly affected by the (temporary) loss of one employee and there are other options available that would allow for the sharing of the increased workload which would also minimize the loss of sales and profits. The company could obtain help from a temporary employment agency or could ask the employee to work only mornings, leaving him free to spend the afternoon and evenings with his wife. This makes the interests of the employee and his wife more compelling than the interests of even the greater number of people within the company that could be affected by the decision.

Further, by making the choice to grant the leave of absence or find a suitable compromise that is dictated by the Ethic of Care, the employer is sending a positive message to the other employees that they are important as individuals with individual needs, rather than merely as employees performing a job. This will likely make them more satisfied with their job, promoting a higher level of dedication, loyalty and general work performance. Thus, many interests can be promoted by following the dictates of the Ethic of Care in this case, and self-interest need not be incompatible with its dictates.

Finally, I will briefly consider the relationship one has with her physician, which many would consider to be an impersonal relationship but which can easily fall into the problematic middle range. It is true that when initially contacting a physician and for most minor medical problems, all the individual needs is someone who can treat her ailment(s). Any particular physician may be substituted for any other particular physician and the patient will still have her
ailments treated. However, it benefits the patient and makes the physician's job of promoting her health easier when their relationship moves toward a (one-sided) personal relationship, and the physician gains more personal information about the patient. This information in many cases is directly relevant not just to diagnosis of a problem, but also to determining treatment options and pursuit of a cure, if possible. For example, if the woman is living in an abusive situation but hides this information due to embarrassment, then the physician will pursue time- and resource-consuming methods to diagnose the cause of her frequent and severe headaches to no avail. If, on the other hand, their relationship moves toward the personal and the physician gains this knowledge about the woman's home life, then he can more effectively treat the symptoms of tension headaches with muscle relaxants and he can suggest ways, and perhaps put her in contact with the appropriate social agencies, which would help her improve or leave her home situation. When the patient's medical condition has a significant effect on life expectancy and/or quality of life, the need for the physician to pursue a more personal relationship becomes even stronger. In order to ensure that the patient is competent to make a decision, the physician needs to know that the decision the patient makes is a considered one, consistent with her values and interests. In order to determine this, the physician must know what her values and interests are, that is, he must obtain both personal life circumstance information and personal interest information. This information is also necessary for the physician and other health care providers to be able to promote patient autonomy (self-direction). Consider the case of a patient slowly dying with a painful bone cancer. If the physician only considers the contextual information of the case, he will do what he can to treat the disease and/or its symptoms and keep the patient alive as long as possible. However, the patient may object to the suffering that continued existence would bring or the alternative state of being drugged into a stupor in order to alleviate the pain, with its
associated loss of dignity. Unless the physician obtains the personal life circumstance and personal interest information that is relevant to the patient’s situation, he will not be aware of her desire to withdraw treatment and the underlying reasons for doing so. A physician who moves forward with a treatment that is not wanted by the patient impedes the patient’s personal autonomy and is acting wrongly, according to both moral and Canadian Medical Association criteria. In order to treat the patient in an appropriate manner, the physician must obtain the personal information, thereby moving their relationship toward the personal realm. It is better for both patient and physician in many medical circumstances, and perhaps most, for the physician to ‘err on the side of Care’.

6.7 A Reply to Veatch and Little

Some moral philosophers reject outright the possibility of successfully integrating the two perspectives, while others merely express doubt that it can ever be done. After proposing that both the subjective and objective points of moral view, which correspond to the personal and impersonal realms respectively, are both only partial reflections of one’s understanding of the world and as such both are necessary for decision making, Nagel states that: “[i]t is the aim of eventual unification that I think is misplaced. The coexistence of conflicting points of view...[is] an irreducible fact of life.”328 Clement, Gilligan and DesAutels also reject integration, for the reasons explained above in section 6.2. By explaining in the previous sections of this chapter how an easy, straight-forward and largely self-evident method of prioritization and integration is possible, I have, I believe, shown that criticisms of this type are unfounded. Yet the problem of integration is not the only one to cause moral philosophers to reject the possibility that the Ethic

328Nagel, 1979, p. 213.
of Care is a moral theory either in its own right or as a(n overwhelming) portion thereof. Veatch, for example, rejects the Ethic of Care as a theory because he believes that it pertains to statements of character rather than being a method of determining right action. Little makes a more concerted effort to show that the Ethic of Care is only an invitation to or stance from which to ‘do theory’ because she believes that accepting the Ethic of Care as a theory will have serious negative results. In this section of the chapter I will examine the claims of Veatch and Little and show why their exclusion of the Ethic of Care as a moral theory is not compelling, given the account I have offered.

Veatch’s claim is more easily dismissed, so I will begin by considering his statement that:

the categorization of care theory as a theory of morally right action seems not to square with most everyday use of the terminology. Action theory principles describe characteristics of actions that tend to make them right. They refer to actions, not the actors. They are not descriptions of character.329

For what he considers, Veatch is correct. Veatch is referring to the original version of the Ethic of Care qua theory of moral development as asserted by Gilligan, and it is clear that in this form the Ethic of Care cannot constitute a moral theory. Indeed, I have shown that any current conception of the Ethic of Care cannot alone constitute a comprehensive moral theory because it cannot adequately account for all moral relations. However, by utilizing Clement’s refined version of the Ethic of Care, which is presented as a series of principles more conducive to formulation into a working action-guiding theory, and my own method for prioritization and successful integration with the Ethic of Justice, the result is a comprehensive theory which makes no statement about character. Rather, it dictates that appropriate actions for any given situation are determined by the relationships position on the continuum, with the problematic relations in

the middle section placed in one realm or the other by considering the contextual requirements of
the situation and the relevant information about the needs and interests of those involved. At the
end of his paper Veatch accepts the possibility that the Ethic of Care has something valuable to
contribute to moral theory, but states that more development and clarification is needed before it
can be ascertained exactly what the nature of that contribution is. I suggest that what the Ethic of
Care contributes is fundamental and essential to a full understanding of moral relations between
individuals and how they actually make moral decisions, and by providing the development and
clarification that shows this in the previous chapters and including a viable integration and
prioritization method in the current chapter, I have met Veatch’s challenge.

Little’s rejection of the Ethic of Care is more specific and is intended to be more
devastating to the Ethic of Care’s status as a moral theory. Like Veatch, Little is correct—so long
as what she is referring to is Gilligan’s Ethic of Care *qua* theory of moral development. She is
determined to prevent its use as a normative theory because she is certain that allowing it will
have serious negative results. Instead of preventing this, I am opting to show how, through
utilization of Clement’s more structuralized conception which includes action-guiding principles,
acknowledgment of its limitations, and plenty of explanation, it is possible to arrive at a
comprehensive moral theory which does not fall prey to Little’s concerns.

Little closely examines Gilligan’s conception of the Ethic of Care, and her conception of
the Ethic of Justice and the Ethic of Care as constituting separate gestalts, and notes that

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330 Little’s strong desire to include Ethic of Justice principles in order to safeguard interests
in the personal realm is illustrated by her statement that: “claiming that care can suffice as
the generative principle...for intimate relationships badly reinforces our inherited tendency
to regard Justice’s dominion as limited to the public realm—so that violence in the family...
is not seen as oppression.” (Little 1998b, p.193) I concur with her desire to avoid such
perceptions, but maintain that my own account of the integration of the Ethic of Justice and
the Ethic of Care and the inclusion of Justice principles in the full range of moral relations
accounts for and overcomes this problem.
"orientations... are not equivalent to theories. It is a deep mistake to read them as such, or to try to read specific theoretical commitments off of them straight away." Then she makes an even stronger claim, stating that it is "crazy" to assert that the Ethic of Care has the resources to be a complete account of any part of the moral domain:

[t]he problem comes in thinking that any one moral concept, however noble or richly conceived, can do all the theoretical work of morality....if its guiding prescription is limited to the injunction to care or to be caring, it is an impoverished and inadequate theory—indeed, a theory as reductionist as the ethic of justice is sometimes claimed to be.

Little is correct in one respect: if the Ethic of Care were limited only to a vague injunction to care or to be caring, it would be grossly inadequate for doing all of the theoretical and practical, decision making work of morality or, indeed, of the personal realm alone. Little correctly sees the inclusion of a set of action-guiding propositions as being necessary for consideration as a moral theory. Gilligan’s gestalts as they have been formulated can only amount to ‘orientations’ from which to approach moral theory and decision making because they do not present a series of action guiding principles and cannot overcome the problem of prioritization. As such, Little is justified in viewing Gilligan’s Ethic of Care as merely an ‘orientation’ from which to ‘do theory’. However, by modifying Clement’s reformulated version of the Ethic of Care, I can provide the very action-guiding principles Little is looking for and finding absent in Gilligan’s account. This allows the revised Ethic of Care to become much more than an ‘orientation’, and Little’s criticism in this regard is no longer applicable.

Nevertheless, Little is correct in her claim that any one moral concept—be it Ethic of Care

or Ethic of Justice—cannot do all of the work of morality. Little asserts that there is a role for the principles associated with the Ethic of Justice—respect, reciprocity and fairness—in intimate relationships, hence her claim that the Ethic of Care cannot be a complete or self-sufficient account of any part of the moral domain. My own account allows that there is a place for all of the principles associated with Ethic of Justice even in those relationships that are intimate, either as a method for facilitating smooth relationship functions, as in the equal distribution of domestic labour, or in those situations where personal circumstance and personal interest information is not relevant to the decision being made, such as when I need to choose between job applicants that include strangers as well as certain friends or family. Little’s primary concern is that valuable protective principles are associated with the Ethic of Justice and could be left out if the Ethic of Care is accepted as a theory and this is why she rejects this option. My account should put her mind at ease in this regard. It is possible to have a comprehensive moral theory that includes (Clement’s formulation of) the Ethic of Care as a necessary but not sufficient account of certain moral relations while still allowing for the inclusion of principles central to the Ethic of Justice in the full range of moral relations.

Having responded to direct criticism of the view that the Ethic of Care can constitute a moral theory (or portion thereof), I will now consider a more general criticism which needs to be addressed, but which also leads to the probable rejection of the only integration option I have yet to consider, the suggestion made by Lawrence Blum that both the Ethic of Justice and Ethic of Care are part of some greater, overarching theory.

From the perspective of proponents of the Ethic of Justice, it could be claimed that the focus of the Ethic of Care on the consideration of personal circumstance and personal interest

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334 This is integration option number 5 from chapter I.
information results in the same problem that some claim Casuistry falls prey to. The objection is that there are too many calculations or weighing of factors, which are required for each individual decision and situation. This complexity introduces arbitrariness into decision-making, since it is not dictated by and in accordance with the standpoint of the disinterested third party or the impartial observer.

In response, it must be noted that sometimes there is an *outward appearance* that the moral decisions being made in similar situations are different. This can lead to the impression that the decisions were arbitrarily made when, in fact, they were not. Some element of the situation considered to be relevant from the standpoint of the decision maker has changed, resulting in an altered decision and outcome. From the external perspective that an impartial observer would have, this change may not be apparent. Since my account of the Ethic of Care calls for the use of action-guiding principles that meet the internal criteria of consistency and coherence, and in doing so, allows for decisions to be justified, the claim that decisions made in this fashion are in any sense arbitrary is seriously mistaken.

In addition, while it is true that the decision maker simply cannot size up the situation and pull out a bundle of appropriate principles to resolve the issue, except in those instances where only contextual information is relevant to the situation and decision, but instead must put some effort into sorting through the details each and every time a moral decision must be made, this is not the hardship that proponents of the Ethic of Justice would have us believe. Remember that in the realm of personal morality, where people are *acting* morally rather than just *thinking* about morality, decision makers actually want decisions that fit the details and result in the best possible outcomes for those involved. They want to feel that in *this* case, involving *these* people and *these* contextual details, they have made the most appropriate decision. The tailored fit of the decision
is worth the extra effort, as well as being morally obligatory whenever others are vulnerable to one's choices. It should also be noted that there is no need for all calculations to be lengthy or complicated, in fact, some decisions are quite simply made. However, if the situation warrants careful attention to detail because of its own complexity or the complexity created by the situation or potential decision's effects on those involved, then there is both a moral obligation and quite often a corresponding personal desire that those many necessary and relevant pieces of information be taken into consideration. Indeed, doing so is the only way to ensure that the best possible outcome for all concerned is being achieved, and it is an attention to detail that many people are prepared to give themselves and demand from others. This is not an issue, then, of 'unnecessary complication' but rather of 'appropriate attention to relevant details'.

While this criticism does not apply to my own account, it does explain why the prospects of an overarching theory within which both the Ethic of Justice and Ethic of Care are both subsumed is remote. Blum suggests that "care and impartiality do not encompass all there is to morality.... A satisfactory picture of... moral excellence or virtue will have to go beyond the, admittedly large, territory encompassed by care and impartiality."

335 While it may be possible that Blum is right and more than merely the Ethic of Justice and Ethic of Care are involved in some ultimate account of morality—a 'holy grail' of morality336, if you will— at the present time, however, I contend that I already have done enough to meet the prescriptive needs of real life moral decision makers. My integration account meets the current decision making needs of individuals in all moral realms, and to include other concepts that have not proven thus far to be

335 Blum, 1988, p. 481.

336 This is a term I borrow unashamedly from physics, where it is used to refer to the elusive but highly-sought-after overarching theory, currently dubbed 'Quantum Gravity', that physicists hope will (one day) successfully integrate Einstein's relativity theory with quantum theory.
essential to morality would certainly be to unnecessarily complicate the decision making process, making it more impractical than it needs to be.

6.8 Summary

In the current chapter I have suggested that moral relations lie on a continuum. The continuum may be characterized in terms of the depth of the information the moral decision maker possesses about the contextual details of the situation itself and the personal information—personal circumstances and personal interests—of the individuals affected by the situation and the potential decision. Relationships will be placed in either the impersonal or personal realm and will be governed by the Ethic of Justice or the Ethic of Care, respectively.

In those problematic relations in the middle portion of the continuum, where it is not clear which realm the relationship belongs in, the nature and depth of the information possessed will determine the appropriate moral realm and identify the correct perspective an individual should utilize in a given situation. I proposed a methodology to integrate the Ethic of Justice and Ethic of Care in this problematic range which also answers the problem of prioritization. I offered a system for assessing what constitutes information relevant to the situation and whether the individual possesses or can obtain the necessary information. Whether one is able to obtain the information required or not will dictate which moral realm her relationships fall into and, subsequently, which moral perspective to appeal to for appropriate principles for action guidance. If her decision significantly affects others and she knows or is able to obtain enough about their personal situation, needs, desires and goals to take them into consideration, then she is obligated to do so and this indicates that their relationship falls within the realm of personal morality, relations between them should be guided by those principles associated with the realm’s moral
perspective, the Ethic of Care. If the individual with whom she must deal is a stranger and she knows nothing about him beyond his possession of basic human characteristics, needs and desires and is unlikely to readily obtain this information, then she has no basis on which to consider his particular welfare or desires in her moral considerations and must govern their relationship according to the principles of the Ethic of Justice pertinent to the realm of impersonal morality, which will serve to safeguard his—and her—general welfare.

In those situations in the middle range of the continuum where the Ethic of Care and the Ethic of Justice appear to be equally applicable, decision makers should choose to 'err on the side of Care' and seek additional relevant information before making a decision. If the additional information is available, then it must be taken into consideration when making the decision from the Ethic of Care perspective. If the additional relevant information is not forthcoming, then there are two options: if there is enough information available to make a decision that reflects, promotes, maintains or safeguards at least some of the interests of those involved, that information must be used; if, however, there is insufficient information available to achieve even that low level of consideration of personal circumstances and interests, then the relationship should be considered impersonal. This results in a preponderance of moral decisions being made from the Ethic of Care perspective, but this should be acceptable and appropriate to all involved, since it takes into account individual needs and desires and in doing so results in the promotion, maintenance and protection of the interests of the specific individuals affected by the decision—exactly what moral decision makers actually want. It also renders the Ethic of Justice capable of being relevant in principle in the full range of moral relations, even in some situations occurring between intimates, thereby excluding the possibility of domestic exploitation and other personal injustices. The Ethic of Justice and Ethic of Care can be successfully integrated, to form
a comprehensive moral theory that can successfully address a wide range of moral relations.

I concluded the chapter by considering criticisms aimed at excluding the Ethic of Care from exclusively constituting or even participating in a moral theory, and showing how these criticisms are misguided in that they consider only Gilligan’s conception of the Ethic of Care, rather than a conception with further elaboration. I also showed how their criticisms are answered by my integration option. In doing so, I have cleared the way to reach a definitive conclusion regarding the status of the Ethic of Care as a moral theory.
Chapter VII

Concluding Statements Regarding the Status of the Ethic of Care as a Moral Theory

The aim of this research project was to determine what role the Ethic of Care plays in morality by specifically considering whether or not the Ethic of Care can act as a moral theory capable of providing comprehensive, justifiable practical action guidance in moral situations. In the course of making this determination, important ‘blind spots’ regarding the way many moral philosophers think about morality have also been identified. Evidence of these blind spots regarding opinions about the aim of moral theory and the nature of moral relations, in conjunction with evidence of a disparity between theoretical morality, when moral philosophers think and talk about morality, and real life morality, when actual decision makers act morally, indicates the need for repair and revision to moral theory.

7.1 Overview of the Argument

The project arose out of consideration of the following. On one hand, Gilligan’s theory of moral development was being considered by some contemporary moral philosophers as a functionally adequate normative moral theory. They were calling for its utilization for practical action guidance in such areas as health care ethics, education, and social welfare policy making. Proponents of this view claimed that the Ethic of Care filled a void in morality, by explicitly considering women’s moral experiences for the first time and/or identifying the disparity between theoretical and real life morality. They also maintained that this perspective contributed values important to morality. On the other hand, opponents of the Ethic of Care claimed that it was too problematic to have any significant contribution to morality, that it did not accurately reflect
morality as most moral philosophers understood it, and that utilizing it would end in morally unpalatable results in many cases. They rejected the Ethic of Care outright. In the middle position were scholars who saw that the Ethic of Care had something valuable to contribute to morality and who also saw that it was significantly problematic. Rather than abandon the perspective outright, they tried to retain its contribution by combining it with a widely-accepted moral theory, the Ethic of Justice. These moral philosophers maintained that the Ethic of Care in conjunction with the Ethic of Justice could provide a theoretically viable account of morality that was also desirable for real life decision making.

Each of these positions seemed partly right and partly wrong. I agreed with proponents that the Ethic of Care could contribute something valuable to morality. I also agreed with opponents that, in the form in which Gilligan proposed it, the perspective was too problematic to be utilized as a moral theory. Finally, I agreed with the integration camp that the Ethic of Justice was necessary to morality, and that the empirical studies showed that the Ethic of Care did have a role to play in some aspects of real life morality. However, I was dissatisfied with all of the integration options put forward, viewing them as problematic in their own rights. There seemed to me to be too many camps and too many options being bandied about, all purporting to have the correct view of morality and of the Ethic of Care’s place within it (or not). Most importantly, all claims were made in the absence of any solid foundational work determining the Ethic of Care’s capacity to act as a moral theory at all. I decided to navigate through the various claims and positions in order to arrive at an answer regarding the normative capacity of the Ethic of Care and thereby provide the foundation upon which subsequent consideration of this perspective could be built. With the most current account of the perspective in mind, Clement’s revised Ethic of Care, I set out to determine whether or not it could function as a moral theory and whether or not
opponents' criticisms would hold against this version of the perspective.

I began the project by identifying in the first half of chapter II the most pervasive view in the philosophical literature, that moral theory and the nature of moral relations must be socially-oriented. I presented historical references which establish that moral philosophers typically have held that morality is a rational system governing relations between individuals who willfully choose to accept certain restrictions and obligations regarding their actions, in order to manage the problem of public competitiveness and thereby achieve the desired benefits of social and political liberty that allow the individuals to formulate and pursue their interests unimpeded without violating others' rights. These philosophers view morality as being a contractual convention occurring between rational equals. I then presented a list of criteria, drawn from the philosophical literature, against which any moral theory which purports to act as a practical action guide must be compared in order to ensure that it promotes the accepted view of the aim of moral theory and nature of moral relations.

This general discussion provided a foundation for the introduction of Lawrence Kohlberg's research into children's moral development, because Kohlberg's theory relied heavily on the traditional view about the aim of moral theory and the nature of moral relations. Kohlberg's research and conclusions led directly to the subsequent formulation of the Ethic of Care. I explained Kohlberg's research results, noted his exclusive use of male subjects and hypothetical moral dilemmas, and summarized his views about the nature of moral theory and moral relations, including the assertion that a moral theory must be rationalistic and deontological. I concluded chapter II with a commentary on his position which questioned not only his research methodology but also his exclusive reliance upon a rationalistic and contractualistic view of morality as advocated by Kant and Rawls and his assertions regarding the primacy of Justice for
moral conflict resolution. At the end of this chapter it was clear that there were strong reasons to suspect that Kohlberg’s view of morality did not reflect all of real-life morality in spite of its apparent substantiation by empirical study.

In chapter III, I explained Carol Gilligan’s dissatisfaction with Kohlberg’s studies, arising from three particular problems she saw in his research. Gilligan believed that, because Kohlberg only used males in his studies, the results did not represent women’s moral experiences. Gilligan also believed that the results did not represent the methodology involved in actual moral decision making because Kohlberg only used hypothetical moral dilemmas. Finally, Gilligan was concerned that, in claiming that women tend to become arrested at Stage 3, Kohlberg was inaccurately characterizing women’s actual moral development and abilities. In response, Gilligan implemented her own empirical studies of women’s moral decision making which involved not only Kohlberg’s own artificial Heinz dilemma, but also moral dilemmas intended to exhibit real life decision making methodology and motivations. Real life morality for the women in Gilligan’s studies was shown not to be about appeal to abstract principles to identify rights and duties owed to isolated, non-dependent individuals wishing to be left alone to pursue their own interests. Gilligan determined that women see moral relations as being comprised of a web of interconnected dependence, whereby individuals are dependant upon others to varying degrees for their welfare and happiness and the success of their endeavours. Moral dilemmas are seen as a conflict of responsibilities rather than a conflict of individual interests (as Kohlberg had indicated), and a narrative and contextual approach aimed at removing or minimizing harm and maintaining relationships is used for conflict resolution. Her discoveries allowed Gilligan to develop a three stage theory of women’s moral development which she called the Ethic of Care. In later writings, Gilligan was careful to indicate that the Ethic of Care was not exclusively an account of women’s
moral experiences, but was a system of moral thinking—a gestalt—that was utilized by both women and men whenever using Kohlberg’s approach to morality, the Ethic of Justice, did not adequately resolve the moral dilemma.

I concluded the discussion of Gilligan’s formulation of the Ethic of Care by identifying a number of problems associated with it, particularly if it were to be considered as a normative moral theory. It was obvious from the outset that Gilligan’s version would not be able to provide a viable account of certain moral relations nor provide practical action guidance in such areas as public policy formation or relations between strangers. A large part of the problem was the difficulty in making the Ethic of Care prescriptive or obligatory; it was further vulnerable to the charger that it sanctioned arbitrary and unjust outcomes. The exclusion of autonomy and individual rights as fundamental values also made it difficult to avoid the pitfalls of unremitting self-sacrifice associated with the Ethic of Care’s second stage of development. The problems associated with Gilligan’s formulation of the Ethic of Care would have been sufficient to limit its contribution to morality to providing minimal theoretical, rather than practical, interest and the Ethic of Care might have only been an eventual footnote in philosophical history had not Clement’s refined version been produced to address the most problematic points of the perspective.

Before discussing Clement’s contribution to the Ethic of Care, however, for thoroughness’ sake I provided a brief overview of Nel Noddings’ relational version of the Ethic of Care and criticisms of it. This version is very problematic and, if applied as a normative theory, it would result in serious moral harm to women and to all persons with whom we do not have a direct relationship. This is due in part to Noddings’ assertion that caring is uni-directional in nature, not requiring reciprocal care in return, which would permit and even dictate unremitting self-sacrifice
and exploitation of the women it is intended to refer to, while leaving males, children, and others who are cared-for free to accept and enjoy the care without any associated responsibilities. Also crippling this relational Ethic of Care as a potential normative theory is its insistence that one's caring be 'completed' or 'received' by the one cared-for. This effectively limits moral relations to those with whom one has a direct relationship. Since others distant in place and time cannot indicate receipt of the caring overtures, this fact removes them as potential recipients of our care, and, since they only acquire value once we have started to care for them, they cannot been viewed as valuable in themselves. This means that we have no moral duties toward them, a claim which many, including myself, find morally unpalatable.

The second half of chapter III was dedicated to outlining the most viable conception of the Ethic of Care, proposed by Grace Clement. Clement's refined Ethic of Care included autonomy and values central to the Ethic of Justice as a means to deal with the problems generated by Gilligan's account. Clement recognizes that autonomy is to a large extent culturally defined, as is the extent to which one considers it possible to be critical of socially-sanctioned beliefs and preferred choices. This means that there are degrees of autonomy as well as degrees of reflective capacity and empowerment. For this reason it is no longer necessary to view autonomy and moral decisions as exclusively pertaining to freely agreed-upon or chosen actions. This allows us to consider relationships that occur between unequals and which are not freely chosen as being within the realm of morality. Critical reflection that allows the decision maker to see that her own needs as well as the needs of others are equally compelling (in the absence of reasons for unequal weighting) is an instance of the decision maker acting autonomously. Hence, there is a necessary role for autonomy within the Ethic of Care, in spite of Gilligan's assertions to the contrary. This critical reflection and equality of consideration also provides a means to avoid the problem of
unremitting self-sacrifice associated with Gilligan’s version, because such reflection entails that one must give (equal) consideration to her own interests and not consistently subvert them in favour of the interests of others in the absence of compelling reasons to do so. Finally, Clement utilizes an argument put forth by Goodin in order to obligate the values central to the Ethic of Care, namely the maintenance of relationships and the minimization or avoidance of harm for particular individuals. The vulnerability of others to one’s own decisions entails a moral obligation to consider the needs and interests to a degree which corresponds with the degree by which they are affected by those decisions. Since relationships identified by the Ethic of Care are typically personal or personal (but, according to Clement, not exclusively so), the preponderance of consideration given to these relationships is not nepotism, but rather is justified because of the high degree of vulnerability of these individuals to one’s action choices.

Clement’s version of the Ethic of Care is not without its own problems, however, and the final portion of chapter III identified the main stumbling block for acceptance of Clement’s position. She believes that there is an important role in morality for the values central to the Ethic of Justice as well as those central to the Ethic of Care, stating that each is made better by the inclusion of the other. She is concerned that both perspectives be put on equal footing and neither be viewed as more essential or fundamental, because she thinks that to do so would be to trivialize or preclude the contribution of one perspective to the other. In putting the Ethic of Care and the Ethic of Justice on equal footing, she is echoing one of the integration options coming out of the middle-of-the-road camp. However, her integration option falls short for the same reason the others fall short: while she states that they are on equal footing, both being equally applicable to all moral situations, she does not provide a methodology for prioritizing one over the other when they are in conflict. Without a prioritization method, the decision to use one perspective
over the other when they are both relevant and in direct conflict can only be an arbitrary decision and therefore one which cannot meet the criterion of consistency and cannot be justified.

In chapter IV, I began the active work of determining the status of the Ethic of Care as a moral theory. I presented a series of arguments and examples to show that there are many moral relations which do not represent the prevailing view of the aim of moral theory and nature of moral relations as outlined in chapter II. I argued that there is an aim of moral theory other than managing the competition of interests, namely, the promotion, maintenance and safeguarding of the good (welfare and happiness) of particular individuals. I also argued that moral relations did not always occur between rational equals who have freely chosen to accept certain moral burdens and wish to be left to pursue their interests unimpeded. Some moral relations occur between unequals and are not freely chosen, and often the decision maker has a strong desire to maintain these relationships. The interdependence of the individuals involved in these relationships is not seen as a hindrance, but rather a necessary and largely welcomed state of affairs to be safeguarded and nurtured. I also considered and rejected various claims that suggested that moral theories in which impartiality is a primary principle, like the Ethic of Justice, can adequately accommodate partialistic consideration such as occurs between individuals involved in close, personal relationships. This was, effectively, 'the last nail in the coffin' of the socially-oriented view of morality's claim to provide a comprehensive account that can adequately accommodate the entire range of moral relations and situations. And because this view of morality and the theory associated with it, the Ethic of Justice, fails to meet the necessary criterion of comprehensiveness insofar as it cannot account for the entire range of moral relations, the integration option from chapter I that suggests that the Ethic of Justice can do exactly this when combined with values central to the Ethic of Care fails.
Given that there are compelling reasons to believe that there are two separate views of the aim of moral theory and the nature of moral relations, and given that using rules associated with one characterization of morality to 'resolve' moral issues from the other results in morally unpalatable and even harmful outcomes, the obvious conclusion to be drawn is that there are two separate but related realms of morality. I used the term 'impersonal' to refer to the realm that reflects the social aim of moral theory and view of moral relations and 'personal' to refer to the other realm. This provided the starting point for a comprehensive view of moral theory which would be capable of addressing the entire range of moral relations and which would be fully developed in chapter VI. This dual-realm view also serves to establish a very important point against opponents of the Ethic of Care: if there are indeed two separate but related realms of morality, then the fact that the Ethic of Care cannot adequately account for the typical view of morality (which is actually only the impersonal realm) is not sufficient to disregard its contribution to morality outright or to claim that it cannot be a theory or portion thereof because there is still its applicability to the personal realm to consider.

Consideration of the Ethic of Care in the personal realm took place in chapter V. This task was complicated by the fact that there is no complete account of the independent personal realm in the current philosophical literature. So before I was able to see whether the Ethic of Care could actually provide a viable account of the personal realm, I had to determine what the personal realm would look like. I did this by determining what values were central to this realm and what this realm would view as the aim of moral theory. I identified the aim of this realm as being the promotion, maintenance and safeguarding of individual good (welfare and happiness), and nonsubstitutability of individuals and inclusion of personal information as features integral to this realm that are also absent in the impersonal realm. With these central features in mind, I
returned to the list of criteria for judging moral theories which was introduced in chapter II. These criteria were originally formulated with the impersonal view of morality in mind, so some of the criteria were inappropriate to the personal realm. I retained the criteria associated with theory function and included a new criterion, specificity, designed to promote the particular aim of personal morality. I explained why each criterion was necessary for determining the viability of individual moral theories. Once the list of criteria was in place, I then compared Clement’s revised version of the Ethic of Care with each of the criteria to determine whether or not the perspective was consistent with them. In each case the Ethic of Care was consistent with the criteria, clearly indicating that it could act as a moral theory to govern this realm of morality exclusively.

However, I noted that the Ethic of Care, due to problems with impersonal application identified in chapter III, could not be comprehensively applied to the entire range of moral relations. This effectively excluded integration option 2 from chapter I.

Having come this far, the task still remained to address the problem of integration. Knowing that there are two separate but related realms of morality, each governed by their own separate perspective, indicates nothing about how the two realms and perspectives interact. And interact they must, for there are many moral relations that fall between the two realms and may be governed by either one, often resulting in vastly different moral outcomes. In these cases it is necessary to provide a means of prioritization of one realm and perspective over the other so that when they conflict there is a concrete means to choose between them, rather than leaving it to arbitrary—and therefore unjustified—choice.

Chapter VI began with an account of the problem of prioritization, explaining why it is necessary to prioritize when the two perspectives conflict, proposing different action choices for
individuals involved in relations with others who are clearly not strangers and not intimates: acquaintances, work and school associates, neighbours and friends. The need for a prioritization method also serves to show why various options for integrating the Ethic of Care and the Ethic of Justice fail. Specifically discussed were the equal footing view put forward independently by Clement and Rumsey, and the gestalt view suggested independently by Gilligan and DesAutels, neither of which provide an adequate prioritization method and therefore must be rejected as integration options.

I then considered what feature differentiates between the impersonal and personal moral realms but at the same time also links them together. I suggested that this feature is the degree of knowledge one has about the individuals with whom one is engaged in moral relations. It was shown that individuals have a moral obligation to utilize the relevant information that they possess when making their moral decisions. It was also shown that in the impersonal realm where relations occur between strangers and mere acquaintances, there is a dearth of personal information about the individual’s needs and desires which makes it impossible to consider these aspects in decision making. This is why the Ethic of Justice, with its appeal to impartiality and equality, is particularly well-suited to this realm: these are abstract principles which all can rationally apprehend and appeal to in order to safeguard the general interests of all concerned. At the other end of the relational continuum, the personal realm is characterized by a wealth of personal information (or else it is readily available) that decision makers are obligated to appeal to in order to make an action choice that safeguards the specific good, welfare and happiness of all concerned. The Ethic of Care perspective, with its insistence on appeal to personal information and contextual details of the situation, is particularly well-suited to the personal realm of morality.

After determining that degree of knowledge about the individuals involved is what links
and distinguishes the two realms, it was possible to set out a prioritization method based on this fact. This prioritization method depends on the degree of personal information necessary for the decision being made: if only contextual details are required, or contextual details with a bare minimum of personal information such as education level, employment experience or personal skills, then the relationship falls within the impersonal realm and the Ethic of Justice may be utilized to guide action choices. If information regarding the personal circumstances and personal interests of the individuals involved is considered relevant to the situation and/or choice being made, then the relationship must be considered as falling within the personal realm and the Ethic of Care must be utilized to guide action choices. This means that the preponderance of moral situations occur within the personal realm, with decision makers falling back on the Ethic of Justice in those situations when: relevant personal knowledge is absent and cannot be readily obtained; application of specific personal details is highly impractical (i.e., public policy formation); or personal knowledge about the individuals involved is considered irrelevant to the situation under consideration. I subsequently presented a formalized three-step version of this process of decision making, capable of being used in any moral situation and which will indicate both the appropriate realm that the relationship lies in for this situation and, therefore, the moral perspective by which decision making should be guided in this case. This formalized decision-making process also appears in Appendix V. I also provided a handy ‘rule of thumb’ for realm and perspective selection and prioritization when necessary: ‘err on the side of Care’. This is justified because the preponderance of moral situations fall into the personal realm and therefore under the guidance of the Ethic of Care. Further, because the personal realm and the Ethic of Care are aimed at promoting, maintaining and safeguarding particular individual conceptions of one’s own good, welfare and happiness, viewing relationships as within this realm will promote
individual interests to a greater degree than using the impersonal realm's Ethic of Justice to promote only their general interests. Therefore, 'erring on the side of Care', choosing to view the situation as if it were within the personal realm and gaining more information in order to make an appropriate decision will be highly morally beneficial to those involved.

Finally, this primacy of the personal realm and the Ethic of Care is not problematic in the way that opponents fear, because this primacy does not preclude appeal to important Ethic of Justice values—indeed, there is a place for some of those values, such as equality of consideration, within Clement's revised Ethic of Care perspective. Hence, decision makers do not lose anything necessary to morality by giving primacy to the personal realm and the Ethic of Care perspective, and in fact they gain a more sensitive and therefore more appropriate method to promote, maintain and safeguard the specific interests of all involved, one that also reflects the way actual, real life moral decisions are made.

I concluded chapter VI by considering criticisms explicitly aimed at excluding the Ethic of Care as a moral theory or portion thereof. I showed that these criticisms have merit against Gilligan's version of the Ethic of Care, but fail against Clement's revised version and against my own integrated version. With these criticisms overcome, the way was finally clear for an explicit conclusion regarding the status of the Ethic of Care as a moral theory.

7.2 The Ethic of Care: A Theory, and a Portion of A Theory

It is finally possible to identify explicitly the Ethic of Care's status as a moral theory and, as a result, its contribution to morality. There are compelling reasons to accept that there are two separate but related realms of morality, neither of which can provide a comprehensive account that covers the entire range of moral relations. It was also established that the Ethic of
Justice is capable of governing the impersonal realm (alone), while the Ethic of Care can govern the personal realm (alone). This is not to say that these are the only perspectives able to do so, or that these are the best at doing so, only that they can do so. This fact allows me to conclude that the Ethic of Care can act as a moral theory which provides comprehensive, justifiable practical action guidance within the personal realm of moral relations only. This is to say that, so long as one is discussing the personal realm alone, the Ethic of Care can be characterized as its guiding moral theory. Within this realm the Ethic of Care is able to meet all the criteria for a moral theory that are associated with personal morality, including the all-important criterion of comprehensiveness.

Once outside of this realm, however, when one is considering the entire range of moral relations, the Ethic of Care ceases to meet the criterion of comprehensiveness, in the same way that the Ethic of Justice fails to provide a comprehensive account of all moral relations. With the three-step process of information gathering and assessment in place that assigns situations and relationships into a particular moral realm and also provides a prioritization method, I have provided an integrated account that adequately manages all moral relations and conflicts. This amounts to a comprehensive account of the entire range of morality and when considering this broad moral account, the Ethic of Care constitutes a portion of this greater (integrated) moral theory.

Hence, depending on whether one is discussing the personal realm alone or all of morality, the Ethic of Care can be accurately characterized as both a moral theory and a portion of a moral theory. Of course, the same may be said about the Ethic of Justice. The Ethic of Care’s contribution to morality is more than just the provision of a few socially important values, as some scholars have contended. Clement’s revised Ethic of Care can act as an integral part of moral
decision making, guiding practical action choices that will safeguard individual interests in a highly effective and specific fashion. The fact that the Ethic of Care reflects real life decision making is not an overly-ambitious and hopeful mistake or a misunderstanding about the nature of morality, but is an accurate account of the way people do morality (in the personal realm, at least), reflecting their actual concerns, interests, and methods of moral consideration.

7.3 Suggestions for Further Research

A task that urgently needs attention is an in-depth assessment of Lawrence Kohlberg’s theory of moral development. This is particularly necessary given Kohlberg’s apparent tailoring of the research data to fit his preconceived notions about what the aim of morality and the nature of moral relations are. He made and accepted assumptions and claims that do not meet the standards of philosophical precision and, as such, those assumptions and claims upon which his conclusion is based are themselves brought into question. Most importantly, since the validity of his conclusion is in question, the moral philosophers who made use of his theory unaware of this problem will also have to reassess and perhaps reconfigure their past contributions in this regard.

Further, applied ethics literature has focused primarily on issues related to business and professional conduct and moral issues involving other-regarding relations, such as organ transplantation, surrogate motherhood, and euthanasia, to name just a few. A range of interesting problems concerning relations within families, between intimates and members of a household has been largely untouched. These include issues of: fidelity; the acceptable scope of personal sacrifice and exploitation, whether willfully accepted or not; dealing with children, partners, or extended family members with unexpected needs, particularly when they place an unfair burden on one or a few family members; changes to the family, such as structure or location, which promote
the well-being of one or a few family members; the appropriate allocation of domestic labour; the allocation of family resources; et cetera. At best only a general discussion of inequality in these regards appears in the literature. These are problems of applied ethics to which the theory developed here is relevant. I suggest that Clement's Ethic of Care may be widely utilized to fill the gap in philosophical considerations of personal relations issues.
BIBLIOGRAPHY


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Appendix I

Kohlberg's Heinz Dilemma

In Europe, a woman was near death from a very bad disease, a special kind of cancer. There was one drug that the doctors thought might save her. It was a form of radium that a druggist in the same town had recently discovered. The drug was expensive to make, but the druggist was charging ten times what the drug cost him to make. He paid $200 for the radium and charged $2,000 for a small dose of the drug. The sick woman's husband, Heinz, went to everyone he knew to borrow the money, but he could get together only about $1,000, which was half of what it cost. He told the druggist that his wife was dying and asked him to sell it cheaper or let him pay later. But the druggist said, "No, I discovered the drug and I'm going to make money from it." Heinz got desperate and broke into the man's store to steal the drug for his wife.

- Should the husband have done that?
- Was it right or wrong?
- Is your decision that it is right (or wrong) objectively right, is it objectively universal, or is it your personal opinion?
- If you think it is morally right to steal the drug, you must face the fact that it is legally wrong. What is the basis of your view that it is morally right, then, more than your personal opinion?
- [is the basis of your view] anything that can be agreed on?

(Kohlberg 1981, pp. 12-13)
Appendix II

Kohlberg’s Six-Stage Theory of Moral Development

Level A: Preconventional Level
Stage 1: Punishment and Obedience—right is obedience to rules and authority, avoiding punishment and not doing physical harm; egocentric point of view where the individual does not consider other’s interests and doesn’t relate two points of view

Stage 2: Individual Instrumental Purpose and Exchange—right is following rules when it is in one’s interest to do so; right is also what is fair, an equal exchange or agreement; concrete individualistic point of view separated from those of authorities and others, conflicting interests seen as an instrumental exchange of services and goodwill

Level B: Conventional Level
Stage 3: Mutual Interpersonal Expectations, Relationships and Conformity—right is living up to other’s expectations, keeping mutual relationships of trust, loyalty, respect and gratitude; “being good” is important and is characterized by having good motives and showing concern about others; focus is on individuals in relationships with others, with shared feelings, agreements and expectations taking primacy over individual interests; the individual relates points of view through putting oneself in the other person’s shoes

Stage 4: Social System and Conscience Maintenance—right is fulfilling the duties you have agreed to, with other fixed social duties and rights; right is also contributing to society, the group or institution; motivation for doing right comes from asking oneself “What if everyone did it?”; one takes the viewpoint of the system which defines roles and rules and considers individual relations in terms of place in the system

Level C: Postconventional and Principles Level
Stage 5: Social Contract or Utility and Individual Rights—right is being aware that individuals hold a variety of values and opinions, most relative to their group; those non-relative values and rights, like liberty and a right to life, must be upheld regardless of majority opinion, while relative values usually should be upheld in the interests of impartiality and because they are the social contract

Stage 6: Universal Ethical Principles—right is following self-chosen abstract ethical principles appealing to logical comprehensiveness, universality and consistency; one follows these principles even when contrary to law; the principles are universal principles of Justice, of the reciprocity and equality of human rights and respect for the dignity of individuals

(Kohlberg 1981, pp. 17-19, 409-412)
Appendix III

Gilligan’s Three-Stage Theory of Moral Development:
The Ethic of Care

Stage 1: Extreme selfishness to ensure survival and satisfaction of basic needs

Transitional Phase: recognition that precipitates internal criticism that previous actions were selfish and, as such, morally inappropriate. The criticism precipitates a new understanding of the connection between self and others, articulating the concept of responsibility which leads to the second stage of development.

Stage 2: Extreme selflessness or altruism—good is equated with caring for others.

Transitional Phase: recognition that one is harming him/herself by exclusive focus on the needs of others and that such exclusionary focus is morally inappropriate. The inequality manifested in the relationships between the self and others that is the outcome of the selflessness of the second stage and is questioned in the second transitional phase gives rise to a balance of selfishness and responsibility at the third stage.

Stage 3: Equal consideration of the needs of self and others. At this final stage there is a new understanding of the interconnection between the self and others, and the responsibility to care comes to include both the self and others. No longer will the individual be mired in self-sacrifice or extreme altruism. Now s/he will consider her own welfare, needs and desires equally with the needs and desires of others with whom she has a relationship, letting the contextual details answer the question of whose need is greatest in this particular situation and thereby indicate an appropriate course of action.
### Appendix IV

<table>
<thead>
<tr>
<th>Justice Perspective (Males)</th>
<th>Care Perspective (Females)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Moral Ideal:</strong> Perfection, against which worth of the self is measured</td>
<td><strong>Moral Ideal:</strong> Caring, against which the worth of actions is measured</td>
</tr>
<tr>
<td><strong>Moral Development:</strong> coming to see others as equal, utilizing a moral hierarchy; coming to see others as equal to the self</td>
<td><strong>Moral Development:</strong> seeing oneself in an expanding network of connections, utilizing a web of relationships; coming to see the self as equal to others</td>
</tr>
<tr>
<td><strong>Nature of Moral Conflict:</strong> conflicting rights</td>
<td><strong>Nature of Moral Conflict:</strong> conflicting responsibilities</td>
</tr>
<tr>
<td><strong>Aim of moral theory:</strong> limitation of action to limit interference &amp; restrain aggression (Negative rights perspective)</td>
<td><strong>Aim of moral theory:</strong> extension of action answering a need for response (Positive rights perspective)</td>
</tr>
<tr>
<td><strong>Valued Characteristics:</strong></td>
<td><strong>Valued Characteristics:</strong></td>
</tr>
<tr>
<td>~ separation, individuation</td>
<td>~ attachment, relationships</td>
</tr>
<tr>
<td>~ uses logic to solve problems</td>
<td>~ solves problems via consideration of the web of connections, interdependence</td>
</tr>
<tr>
<td>~ emphasis on abstraction</td>
<td>~ emphasis on context</td>
</tr>
<tr>
<td>~ focus on principles &amp; rights</td>
<td>~ focus on responsibility &amp; obligations</td>
</tr>
<tr>
<td>~ sees need for impartiality, applicable to a generalized other</td>
<td>~ sees need for special obligations to some; applicable to the concrete other</td>
</tr>
<tr>
<td>~ strong concern with personal autonomy</td>
<td>~ strong concern with not doing harm</td>
</tr>
</tbody>
</table>
Appendix V

The Three-Step Process for Determination of Appropriate Moral Realm and Theory for Usage by Decision Makers
(from chapter VI)

1. Assessment of the Situation: Determination of what type and degree of information is relevant to the situation and the decision to be made. If the situation and decision require only contextual information and general information that applies to all people, move directly to step 3.

Information Types:

- Contextual Information: (always present and considered) the factual details of the particular situation and of situations that could arise from potential decisions under consideration. ie. Scarcity or dearth of resources; the applicability of particular rules, policies, and laws, etc.

- Personal Life Circumstances: information regarding the personal life circumstances of those affected by the situation and decision. ie. Marital status; presence of dependents; medical, financial and legal status; race, religion, and gender concerns; etc.

- Personal Interests: information that is highly personalized to the individual and is therefore typically shared with only people in a limited range of relationships and includes emotional, psychological and spiritual needs; goals, desires and aspirations; fears and concerns, including psychological 'baggage' from the past which affects the individual's way of approaching life in the present and future; secrets; etc.

2. Comparison of Information Possessed Against Information Deemed Relevant and Acquisition of Further Information:

- If all of the required relevant information is present, move to step 3.

- If the relevant information is absent but it is possible to readily obtain it, do so before moving to step 3.

- If it has been determined that the information cannot be obtained due to time constraints (emergencies), impracticality (due to group size or distance), or other impediments (refusal), then move to step 3.
3. Determination of Moral Realm and Perspective for Decision Making:
   (dependant on the answers in step 2)

- If the situation and decision call for only contextual information, or primarily contextual and an extremely limited personal circumstances information, such as in an employment situation, then the situation falls into the impersonal realm and decision making is guided by the Ethic of Justice.

- If the situation and decision call for the use of contextual plus personal circumstances and/or personal interest information and the degree of personal information possessed is sufficient to allow for a decision that promotes, maintains, and safeguards the interests of those affected, the situation falls into the personal realm and decision making is guided by the Ethic of Care.

- If the situation and decision call for the use of contextual plus personal circumstances and/or personal interest information and the degree of personal information possessed is not sufficient to allow a personalized decision and cannot be readily obtained, the situation is treated as if it were within the impersonal realm and decision making is guided by the Ethic of Justice.

- If the situation and decision call for the use of contextual plus personal circumstances and/or personal interest information and the degree of personal information possessed is moderate but sufficient to allow some known interests to be promoted, maintained and/or safeguarded, then the situation falls into the personal realm and decision making is guided by the Ethic of Care.