Entrepreneurial Ethics

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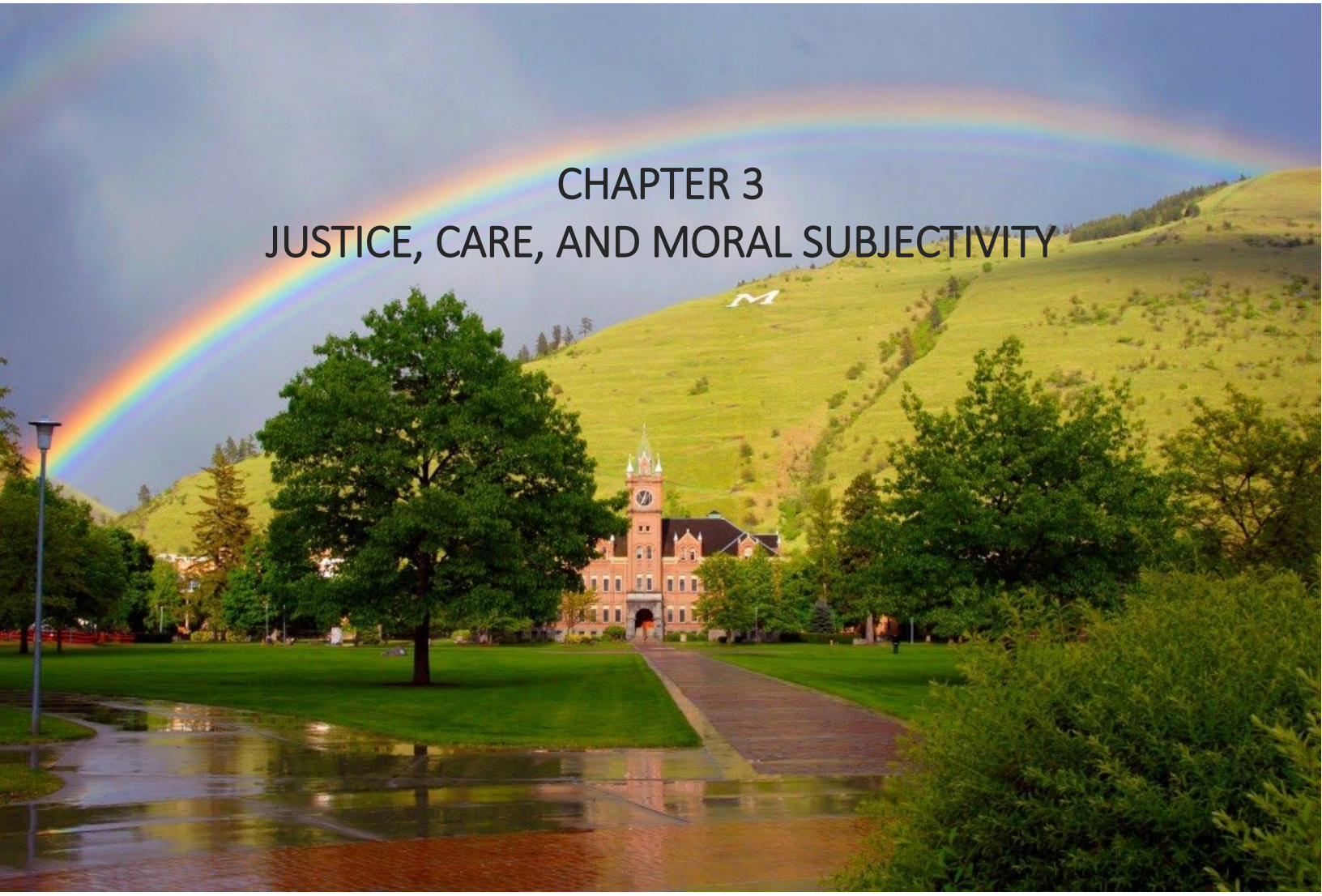


CHAPTER 3
JUSTICE, CARE, AND MORAL SUBJECTIVITY

"…The reasons why postsecondary education may facilitate growth in principled moral reasoning are not completely clear. However, numerous researchers suggest that part of the explanation may be that college provides a relatively challenging and stimulating environment that leads students to overhaul and rethink the fundamental ways in which they form moral judgments. College may do this in large measure because it encourages students to think about the larger social context of history, institutions, and broad intellectual and cultural trends—many of which involve moral and ethical issues. Consistent with such an explanation is evidence reported from one study which shows that academic perspective-taking (that is, exposure to broad perspectives concerning intellectual or social issues) is a strong predictor of advanced levels of moral reasoning among college students."[1]

[1] Pascarella, Ernest T. and Terenzini, Parrick T. *How College Affects Students*. San Francisco: Josey-Bass, 2005, vol. 2/349.

Introduction

This chapter presents Lawrence Kohlberg's theory of moral stage development and Carol Gilligan's criticism of it as a way of introducing two distinctly different ways of understanding and approaching the practice of Ethics. These two general moral orientations will be referred to as the Ethics of Justice and the Ethics of Care. The practical position you take up regarding these two orientations and the way that you understand the nature of moral subjectivity will be shown to be founding schemes structuring personal morality.

Moral judgment was understood by Kohlberg to be the response to seeking what justice requires in any specific moral situation, question or dilemma. Kohlberg used scenarios to assess the level of moral reasoning, eventually formulating *six stages of moral development*. In the Heinz scenario presented below, for example, a man's wife is dying, and Heinz cannot afford the only drug that will save her. What should Heinz do? What does justice require? Should Heinz not steal the drug because that is wrong? Or is the just solution that Heinz should steal the drug but not go to jail? Or does justice require that he steal the drug but go to jail for it? Is that the just outcome? How a person responds to this scenario, then, will provide an indication of their level of moral reasoning, according to Kohlberg's theory.

Carol Gilligan, who worked with Kohlberg on his groundbreaking research, criticized her mentor for presuming that an Ethics of Justice is the *only* meaningful approach to moral reasoning and determination to moral action. This presumption was a moral blind spot that she thought limited the scope and import of Kohlberg's findings. She argued that there is more to morality than merely the making of *reasoned* moral judgments based on universal moral principles.

Kohlberg's research was biased, Gilligan claimed, by a traditional, patriarchal view of gender roles. What Gilligan called the "Ethics of Justice" was how she thought *men* approached moral decision-making. On the other hand, she found that *women* were more likely to have a different understanding and practice of what it meant to be a moral person. Their morality developed differently than men. Men tend to seek justice, Gilligan argued; women tend to care.

The "Ethics of Care" developed by Gilligan (she was the first to use this term) stressed relationships and sensitivity to the needs of others. It was informed by Moral Sentiment Theory and non-rational human experiences such as emotion, passion and intuition rather than solely by rational judgment. Instead of relying on abstract judgments handed down from on high, as it were, the care approach to moral action originates organically out of the everyday situated existence of the moral person in a web of dynamic personal and interpersonal practices and relationships in the world.

The second part of this chapter presents a kind of roadmap for how the various theoretical ethical approaches and responses to moral phenomena fit in with

and inform the everyday judgments and moral value orientations of the existential person. How should we understand the nature of this "existential person?" Ethics, as a reflection on morality, certainly presumes a *moral subject* or *moral agent* who is having that reflection and is capable of volition and moral action. But there are different ways of viewing and understanding moral subjectivity. And how you understand human moral subjectivity (what it means to be a human being) will make a difference to your approach to morality and moral value configuration and the deployment of moral values in your life every day. So, we must look a little closer at the nature of human subjectivity.

Just as everyone 'has' a morality, everyone also has some conception of human nature or what it means to be a human being. That floating 'sense' of who you are which accompanies you in the background of everything you do is your personal human subjectivity; the base of your self-awareness. Let us say provisionally at this point (until we look at it more closely) that *"subjectivity" (or agency) is the capacity to act and to have experiences*. Now, what happens when we overlay this concept of moral subjectivity with the distinction between justice and care?

The Ethics of Justice and the Ethics of Care, understood as personal moral value orientations, each have different conceptual assumptions about what it means to be a human being. **The Ethics of Justice presumes a rational, autonomous, individualized and free moral subject capable of pure reflective deliberation oriented toward sound, rational decision-making. The Ethics of Care presumes a sensuously and affectively oriented responsive, inter-subjective subjectivity immersed in the immediacy of lived-life and oriented altruistically to the welfare of others.**

Both of these subjective orientations to morality and ways of understanding human nature are integrated—mostly unconsciously—in the actual moral behavior of everyday people making everyday moral decisions. And each of these views is informed by a somewhat different set of theories in the philosophical and the psychological traditions. You should try to find where you stand along the continuum of possibilities created by these two broad and yet interconnected moral orientations.

The Ethics of Care is more consistent with a focus on personal and interpersonal moral growth and development. This focus is best informed by certain moral theories: Virtue Ethics, Phenomenology, Existentialism, Self-actualization theory, Moral Sentiment theory and Pragmatism. The Ethics of Justice, on the other hand, is more consistent with a focus on rationally trying to deliberate, determine, and decide what is the morally correct thing to do and what is not. This rational decision-making approach to Ethics is best informed by Deontology, Utilitarianism, and Natural Rights theory.

And remember, *both* the Justice and Care orientations are integral to the *whole moral person*. You, as an existentially whole moral person, are always situated in, involved with and influenced by multiple levels of practices in the social and political world, a domain of moral practice which is best informed by Distributive Justice theory, Social Contract theory, Human Rights theory, and Cosmopolitanism, among others. We will look at all of these moral theories more closely in upcoming chapters.

As you read through this chapter, try to get a feel for the two different moral perspectives of justice and care, and how these perspectives influence the perception and understanding of your moral situatedness in the world and where you fall along this continuum of moral value.

Moral Development Research

Lawrence Kohlberg

Much of the research that has been done about the effectiveness of ethics education during the last fifty years has been based on Kohlberg's seminal work in the field of human moral development. He is certainly among the most influential psychologists of the 20th century. Kohlberg was one of the first psychologists to look seriously at whether a person's ability to deal with ethical issues can develop in later life and whether education can affect that development. Thus, Kohlberg's work, in many ways, initiated the whole field of *moral psychology* in an entrepreneurial way.

Kohlberg used scenarios of moral dilemmas as the basic instrument of his research, scenarios like the well-known "Heinz dilemma." The Heinz dilemma is a scenario that Kohlberg used to study the style and level of moral reasoning of the subject. Kohlberg would present this dilemma to the subject and then ask questions to determine the subject's stage of moral development.

Here is the Heinz scenario dilemma:

> *Heinz's wife was dying from a rare type of cancer. Doctors said a new drug might save her. The drug had been discovered by a local chemist and the Heinz tried desperately to buy some, but the chemist was charging ten times the money it cost to make the drug and this was much more than the Heinz could afford. Heinz could only raise half the money, even after help from family and friends. He explained to the chemist that his wife was dying and asked if he could have the drug cheaper or pay the rest of the money later. The chemist refused, saying that he had discovered the drug and was going to make money from it. The husband was desperate to save his wife, so later that night he broke into the chemist's and stole the drug.*

Kohlberg would then ask the subject the following type of questions:

1. Should Heinz have stolen the drug? 2. Would it change anything if Heinz did not love his wife? 3. What if the person dying was a stranger, would it make any difference? The answers and explanations given by the subjects would then be analyzed to determine what stage of moral reasoning was being used by the subject to make the moral judgment.

The earliest level of moral development is that of the young child, which Kohlberg called the ***pre-conventional or pre-moral*** stage, with two distinct phases. The person at the pre-conventional level defines right and wrong in terms of what authority figures say is right or wrong

or in terms of what results in rewards and punishments. Any parent can verify this. Ask the four or five-year-old why stealing is wrong, and chances are that they'll respond: "Because daddy or mommy says it's wrong" or "Because you get punished if you steal." Some people stay at this pre-moral level all of their lives, continuing to define right and wrong in terms of what authorities say or in terms of reaping rewards or avoiding unpleasant consequences.

This orientation reveals a lack of moral reasoning altogether. Rather, the subject acts from fear of punishment. Kohlberg called it "pre-moral," because persons at this level are reacting in terms of possible pleasure or pain and are not *reasoning* from any general moral principles or perspectives.

The second level of moral development is the stage most people attain. Indeed, most adults function morally in accord with the dynamics of this stage for their whole lives but never attain a principled, reflective approach to morality. Kohlberg called this the ***conventional level***. At one phase, the person at the conventional level will internalize the norms of those groups with whom he or she lives most closely. For the adolescent, right and wrong at this stage are based on group loyalties: loyalties to one's family, loyalties to one's friends. In the later developments of this stage, loyalty is directed to the laws of one's nation as a good citizen.

If you ask persons at this level why something is wrong or right, they will tend to answer in terms of what their families have taught them, what their friends think, or what the law-abiding citizen should do.

But, if a person continues to develop morally, he or she will reach what Kohlberg labeled the ***principled or post-conventional level***. The person at the post-conventional level stops defining right and wrong in terms of group loyalties or norms. Instead, the person at this level develops moral principles that define right and wrong from a universal point of view, such as deontological or cosmopolitan principles. The moral principles of the post-conventional person are principles that would appeal to any reasonable person because they take everyone's interest into account. Thus, they claim a certain high ground.

If you ask a person at the post-conventional level why something is right or wrong, she or he will appeal to what promotes or doesn't promote the universal ideals of justice, human rights, human welfare or similar universal moral principle. The good of others will be paramount.

Many factors can stimulate a person's growth through the three levels of moral development. One of the most crucial factors, Kohlberg found, is education. ***Kohlberg discovered that when his subjects took courses in ethics and these courses challenged them to look at issues from a 'universal values' point of view, they tended to move upward through the levels to principled levels of moral reasoning.*** This finding has been repeatedly supported by replication of Kohlberg's research all around the world with diverse populations, as well as other research. But not everyone accepted Kohlberg's ideas uncritically.

Carol Gilligan

Carol Gilligan, who was a student of Kohlberg's, came to be critical of her mentor's work. She thought that his research model was biased in favor of males and the patriarchal moral values that structured male-dominated social orders. Gilligan argued that female morality was structured and reinforced differently than that for males in our society. Women were more likely to respond from an orientation of care. This type of moral orientation was often invisible to men who were focused on questions of justice and the application of abstract moral principles derived from abstract moral theories. Although there was already some discussion of alternative ethical theories that went against the mainstream classical approach, Gilligan was the first thinker to formalize these ideas as an "Ethics of Care."

Gilligan first achieved large-scale recognition from the psychological and educational communities with the publication of her groundbreaking book, *In A Different Voice.*[2] This text was a landmark text for at least two reasons. First, it cast doubt on the generalizability of Kohlberg's theory of morality, and second, it articulated a new form of feminist critique.

Psychology, Gilligan argued, had been unknowingly ignoring the voices and experiences of half the human race. *Difference feminism*, as her perspective has come to be called, highlights the different qualities of both men and women, but asserts that no value judgment can be placed upon them. In other words, one is not necessarily better than the other. You will virtually always find a blend of these two orientations in the moral subject. Yet, the care perspective needed a voice.

In her book, Gilligan outlined her findings on female moral development and decision-making, drawing on studies with children and university students. In Kohlberg's classic studies, females appeared to be deficient in moral reasoning when compared to similarly aged males. This was true of both children and adults. However, Gilligan had noticed a problem.

Kohlberg's early work in developing his moral stage theory was based on studies with only white male participants. In light of this, Gilligan began working with female participants facing a personally and politically charged dilemma: whether or not to terminate a pregnancy. The results of her study indicated that women were not deficient at all. They were simply using a style of moral reasoning that was not being captured by Kohlberg's assessment methods. As such, they did not fit within his theory, and their voices were not registering.

Gilligan suggested that the women she interviewed used an ethic of care instead of the more abstract Ethics of Justice. Their morality was based around care for others rather than appeals to seemingly universal codes or principles of behavior. She believed that this ethic of care was not inherently limited to females, but it was certainly more common among her female participants.

The ethic of care was not designed to replace Kohlberg's theory of moral development, but to complement it. In fact, Gilligan has consistently argued that she would like to see psychology

[2] Gilligan, Carol. *In a Different Voice*. Cambridge; Harvard University Press, 1982.

free itself, both in theory and in methods, from the gender binary and the gender hierarchy altogether. Current psychological research on moral development reflects this view, often finding no difference between the performance of men and women on scales of moral reasoning, sensitivity, awareness and development.

Gilligan's book generated much controversy in its day, which cut across disciplines. Feminist psychologists and mainstream psychologists fell on both sides of the debate--some praising the *difference feminist* view, some heralding it as deeply problematic gender stereotyping. Whatever the controversy over the book, it still had a deep impact in psychology, education, ethics, and among the general public; a necessary corrective to Kohlberg's groundbreaking research.

Ethics of Justice and Ethics of Care

Generally speaking, the Ethics of Justice is an ethical perspective in terms of which ethical decisions are made on the basis of universal moral principles in an impartial and verifiable manner with a view to ensuring the fair and equitable treatment of all concerned. It is the constant endeavor of those who subscribe to the Ethics of Justice to let justice prevail by making verifiable and reliable decisions based on impersonal, universal rules and principles. In order to enable objective decision-making about ethics, the individual acts in the capacity of an autonomous,

objective and impartial agent exercising moral agency, moral deliberation and judgment.

The Ethics of Care, on the other hand, is a broad moral perspective in terms of which interpersonal involvement, harmonious relations, and the needs of others play an important part in

moral decision-making and moral action. Contrary to that of the individual who subscribes to the Ethics of Justice, the moral focus of the person who subscribes to the Ethics of Care is to fulfill the needs of other people in the situation and, in this way, to maintain harmonious relations overall.

Care, therefore, implies that moral decisions are made from the position of empathically feeling the needs of others to be primary. Impacted by the context and features of each unique and original moral situation, the care perspective views the moral subject as always immersed in the situation and empathetic towards every other role-player connected with the situation.

Rationality and the Ethics of Justice

The Ethics of Justice seeks to adjudicate moral questions by the fair and impersonal application of universal, rational principles. Like the care perspective, it is an umbrella concept for numerous moral theories and their variations that are linked by a common and unflagging emphasis on the importance of rationality in moral reasoning and moral action. Rationality concerns all aspects of fairness and, by implication, the justification of findings through reasoned argumentation.

Reflection on the Ethics of Justice and Ethics of Care reveals two different forms of rationality. Underlying the Ethics of Justice is a positivist or modernist commitment to the central and absolute importance of rationality and reasonableness, to the exclusion of all non-rational elements. On the other hand, the salient features of the Ethics of Care manifest themselves in a socially extended, interpersonal and *communicative rationality* immersed in everyday practices.

The positivist rationality underlying the Ethics of Justice is a specific type of rationality that serves as the distinguishing feature of the analytic, data-driven modern study of psychology, which has its origins in the rational, scientific method of the physical sciences. This universal impartial methodology—reductionism for the sake of objectivity—forms part of this strict rationality model, which has reigned supreme as the dominant model for science in the western cultural tradition.

What is Justice? Crash course in philosophy (10:14)

The Ethics of Justice clearly has its roots in this modernist model of the primacy of rationality. The reduction of human moral functioning solely to this type of rational moral reasoning becomes a determining factor for understanding the nature of human subjectivity that is presumed by an Ethics of Justice. *This modernist rational reductionism, according to numerous commentators, has resulted in a pernicious depersonalization which, ultimately, would be counterproductive to human flourishing and would give rise to first an existential, and then a postmodern feminist critique, a situation which is ongoing today.*

In the context of such a modernist rationality model, ethical decisions are justified solely on the grounds of universal ethical rules and principles. Through the impartial and objective application of universal rules and principles it is hoped that the fair and equitable treatment of all people will be ensured, even if it means exiling certain aspects of human functioning such as emotions and passions from the process of ethical decision-making in favor of retaining a strict and proper moral objectivity.

This reduced, diluted and narrow version of rationality, and the diminished or dehumanized version of human moral subjectivity that it entails, causes problems particularly when it comes to moral action in our everyday inter-relations and practices. Social and moral practices fluctuate in terms of interpersonal relations, context and values, and are multifaceted and dynamic in nature and do not always operate in accordance with the strictures of a de-animated and unbounded rationality, if ever.

This should not be interpreted to mean, however, that we should throw rationality overboard in moral decision-making. In the light of the fact that moral problems are often complex in nature, as we noted from the pluralist perspective in the first chapter, and that moral decisions often have far-reaching consequences, it is vital to retain the element of rationality in the ethical decision-making process as a check against the overvaluation of emotion, passion and desire—which nevertheless should not be ostracized from the process of moral deliberation.

In order to accommodate the typical characteristics of moral and social phenomena, the modernist concept of rationality ought to be expanded to that of an ***extended communicative, interpersonal rationality*** (a bounded rationality) which is both derived from and formative of the everyday community of dialogical, communicative practices in which you and I are immersed and engaged in our everyday lives. In the light of *discourse* being the manner in which consensus is reached within the context of this extended, interpersonal or relational rationality, an extended *communicative rationality* given voice in free discourse ought to be an important facet of the complementary application of the Ethics of Justice and Ethics of Care.

Affect and the Ethics of Care

Following to some extent in the sentimentalist tradition of moral theory, but substantially different than the positivist rationality underlying the Ethics of Justice as described above, Care ethics affirms the importance of altruistic motivation, interpersonal relationships, emotion, empathy, and the impact of the corporeal, sensuous body in moral deliberation. Care is also oriented to reasoning from specific, everyday experiences in an inductive, organic manner rather than deducing action-positions from theoretically derived universal principles 'scientifically'. Psychologist Paul Piff's use of empirical research to diagnose a psychological basis for income inequality and offer a cure, is a good example of the care perspective guiding research.

An ethics of care begins with the recognition that we are all immersed in a web of vital relationships throughout the various practices that constitute our life. This dynamic, personal web of meaningful relationships is a central source of guidance and orientation of expectations in the configuration of our moral value orientation. *Thus, an ethic of care assumes the primacy of relationship to be of equal moral value to autonomy.* Instead of assuming an ultimate ideal of an utterly independent and separated autonomous subjectivity while ignoring relationship, the ethic of care begins from relationship.

Care ethics assumes that there are no two situations requiring moral judgment that are identical. We are immersed in a sea of everyday particularity. Thus, the focus of an Ethics of Care is on understanding the concrete context and particulars of a situation, including who has a stake in the resolution, and a rich description of factual and interpretative information surrounding the situation. The focus is not on determining what abstract, universal principle might apply to the situation. Rather, it is on crafting a set of ethical responses that address the well-being of all those in the relationship or situation and who are affected by the actions. Indeed, an ethic of care takes

Care Ethics overview (3:01)

the needs of the relationship and those who participate in the relationship as the starting point for ethical responsibility and responsiveness, as opposed to depending upon generalized, external, overarching categorical imperatives, universal principles or rigidly applied arbitrary rules.

An ethic of care relies on the whole person to be attentive, responsive, competent, empathic, sensitive and responsible. Cognitive, affective, and intuitive capabilities are immediately brought to bear on the situation rather than being limited to explicit cognitive rationality. These capabilities include such competencies as listening, articulating, framing and re-framing (perspective-taking), observation, questioning and inquiry, empathy, imagination, responsiveness, and responsibility. This leads to a responsive practical rationality and responsive practical reasoning as opposed to the strictly cognitive, deductive rationality of justice frameworks.

An ethic of care always leads to some concrete, empathically constructive act or actions. Ethical assessments and judgments about what to do carry with them both the obligation to care and consequences for both those cared for and the one caring. There must be some effective,

constructive result from an ethic of care act, it should actually do some good or alleviate some suffering and it should be constructively developmental in character.

Finally, an ethic of care has moved beyond an ethical framework that is characteristic of just women. Men have the same potential to take up an ethic of care perspective as women, although the socialization process emphasizing male and female gender role stereotypes may make it more problematic for men to access this orientation.

Applying Care Ethics to business

Applying care ethics to business is not without problems. Care ethics provides a novel approach to business relations, but its idealism and sensitive, affective orientation may lead you to be skeptical of its appropriateness as a business ethic. As a more 'feminine' value, care seems out of place in the 'masculine' world of business. Accordingly, achieving care in business sounds good, but realistically may be overly naive and idealistic in the context of real-world business relations, construed as they are as inherently aggressive, self-promotional, brutal, and profit-driven. Nevertheless, care is not entirely incompatible with the goal of profit. Care ethics opens the possibilities for various economic systems to be rendered more compatible with the goals of an affective intentionality connected to the good of others without slipping into naiveté or utopian disconnect.

Because business is fundamentally relational, social and interpersonal, an Ethics of Care can provide an innovative and welcomed moral framework for guiding business. Far from being an inappropriate ethic when applied to business, an ethic of care can recommend styles of comportment, principles for decision-making, and attention to practical human dynamics and concerns that are much needed in an age of expanding, technologically driven, and thereby often impersonal, economic dealings. In the age of global business, interdependencies become more visible, and the intersections between economic trade and care relations become pronounced. The world of business possesses unique responsibilities and offers much potential for achieving just and compassionate care relations in the broadest sense. It seems to me to be, at the very least, a worthy goal.

In practice, the justice and care perspectives are, as I suggested above, a continuum of possibilities for the practical organization and configuration of moral subjectivity. And there

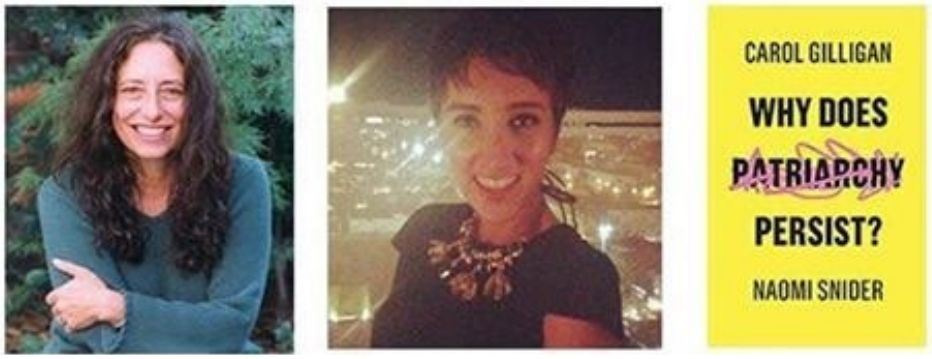
are definitive differences in moral outlook. Where the justice framework calls for a blend of self-interest, fairness and equitability for all, the care framework calls for a responsiveness to others and an inordinate giving without expectation of return. How the Justice and Care moral value frameworks are interwoven practically in your life will have a determining effect on the configuration and outlook of your moral subjectivity.

Recent Developments

WHY DOES PATRIARCHY PERSIST?

The moral values and gender biases reflected in the tension between the Ethics of Justice [Kohlberg] and Ethics of Care [Gilligan] introduced in Chapter 3 of EE-P continue to be at play in our society and culture today, and thus have an impact on the contemporary, gender-conscious world of business—as we will see clearly later in this course.

Carol Gilligan's latest book, with Naomi Snider, *Why Does Patriarchy Persist?* has important implications for both women and men, in personal relationships and in the workplace. It hearkens back to Gilligan's criticism of Kohlberg's moral stage theory and picks up, to a certain degree, where Chapter 3 of EE-P left off.



Carol Gilligan and Naomi Snider

Men, Gilligan had argued, tend to be more comfortable with the Ethics of Justice since they are more prone to abstract thinking and rational reflection. This was reflected in Kohlberg's work on moral stage theory. He thought his findings applied to men and women. Gilligan's psychological research, however, suggested that women tend to be more affective caregivers than rational justice-seekers. Gilligan was criticized by some feminists after the publication of these findings in her book at that time, *In a Different Voice,* for locking women into a stereotypical caregiving role, thus perpetuating patriarchal values. Her new book attempts to correct that position. Two articles in the news recently make this clear.

The first article is a review of Gilligan's book by Andy Martin entitled "Despite the #MeToo Movement, Patriarchy Still Persists—Is It a Choice?". Gilligan and Snider's answer to

that question, according to Martin, is a resounding Yes, it is a choice! Martin's review article focuses on the socially constructed values entrenched in our society that force women and men into rigid and stereotypic social roles from childhood on, values that reflect the values structuring patriarchy. This has negative outcomes for personal relationships. It is our relational fears, due to this conditioning, he asserts—based on Gilligan and Snider's book—that drive us to perpetuate patriarchal values. [Click on the link above and take a quick look at his article.] Out of a fear that we will be unable to find the kind of love relationship we *really* want, we settle for a power-imbalanced but safe patriarchal-style relationship instead:

Beset by the apprehension of love being withdrawn, we keep our anxieties at bay by building walls around us. We resort to a relationship of power out of fear. We would rather imagine that men are from Mars and women are from Venus than ever accept the obvious, that we are all from Earth.

This orientation clearly gets translated into business relationships. We will see this reflected in Topic 4 – Gender Bias in the Workplace; Topic 6 regarding whether there should be quotas for women on boards of directors; Topic 9 regarding targeting children as consumers, as well as other places in this course. Patriarchal values that made bad actors like Harvey Weinstein possible in the business world will persist unless we are willing to courageously resist such moral values and step out of those stereotypes to seek our heart's desire. That seems to be Gilligan's latest message.

The man who does not care enough, who distances himself; the woman who cares too much and relinquishes her own life. But there are no gods. In other words, patriarchy is not biologically determined or genetically encoded. It is not inevitable. It is not natural. It is not set in stone. We got into it, so we can get out of it. It's ingrained, it's a habit, but like any other addiction [or bias] *it is one we could learn to kick, given enough "resistance".*

A similar theme is reflected in a second article in the news recently by Naomi Onion entitled "Male Loneliness Starts in Boyhood." [Check it out!] In this article she argues that boys are raised in such a way as to depend on women in their lives to be their 'therapists' because they lack this possibility with their male friends. "*I can't even count the number of women I know who've gotten so tired of acting as therapists to the men they're dating that they've given the ultimatum: Get a real therapist, or we're done…"* Onion goes on to refer to her experience of reading Gilligan's latest book:

I had something of a conversion experience on this topic while reading Carol Gilligan and Naomi Snider's Why Does Patriarchy Persist?, a short, thoughtful volume published earlier this year. For Gilligan and Snider, the transformations boys and girls go through during childhood and adolescence, when girls are told to be emotionally present for others (even if they have to sacrifice themselves to do it) [Ethics of Care] *and boys are taught to be independent at all costs* [Ethics of

Justice*], are deeply harmful to both genders and psychologically unsustainable.*

"Patriarchy is an age-old structure that has been near universal, and yet there is an incoherence at its center because in reality men can't have selves without relationships and women can't have relationships without a self," write Gilligan and Snider. "Patriarchy harms both men and women by forcing men to act as if they don't have or need relationships and women to act as if they don't have or need a self."

Perhaps the only solution to the persistent problem of patriarchy, then, is to be found in the words of Rebecca Onion, words that sound almost like a final cry of desperation: *"What's needed," she says, "is a total revolution in the way we raise our children."* Is that possible? Will that ever happen? Or are we always going to be stuck in a patriarchal rut?

Moral Subjectivity

The way in which you understand your morality right now, and the way you think about it from an ethical perspective—while engaging in the practical exercises for moral development presented in this text—is connected to and dependent upon presuppositions you hold about the nature of human subjectivity, or what it means to be the kind of being that you are. Now, everyone has some idea about the nature of human nature, an idea of what kind of beings we are and what we are all about. Every reference you make to yourself already involves a tacit understanding about the kind of being you, yourself, are.

The typical ancient Greek view of the person, for example, was dualistic. It was thought that all living beings were made up of a body and soul which were closely conjoined. The human soul was understood as a principle of motion or what accounts for all the many types of movements in a living physical body. The human soul thus was thought to have three dimensions: reason, emotion, and desire/passion. Emotion and passion were considered to be difficult to manage, leading us astray morally, and thus in need of being controlled. It was the job of reason to try to control and tame emotion and passionate desire. This platonic view of the human person sees reason as the best way to make moral decisions.

The 17th and 18th century European Enlightenment (the Age of Reason), in the Modern Era has given us another version of human nature which continues to persist into the present day. I call it ***modernist moral subjectivity***. Similar in some ways to the Aristotelian or neo-classical view, reason or rationality is seen in the modernist view to be the chief characteristic of the moral person, while emotion and passion and other non-rational elements are viewed as being in need of control, as usual.

But, what flows from this understanding of subjectivity understood according to the rational, liberal, humanistic model originating in this period is *the radically new idea that human beings are sovereign, autonomous, self-interested, self-determining free individuals having moral agency, separate and distinct from other rational beings, and able to determine what is morally correct for themselves through a rational, deductive process based on universal moral principles generated from rational moral theoretical reflection.* No authority or divine intervention needed. Here was the birth of the so-called Sovereign Individual. It is this rationally lopsided modernist

model of sovereign subjectivity that Gilligan accuses Kohlberg of unconsciously presuming to be the one and only proper view of human subjectivity.

Gilligan was critical of the modernist liberal, rationality-dominant model of moral human nature which she associates with the Ethics of Justice, males, and patriarchal values. She thinks this view involves culturally instantiated prejudice against women and their emotional and non-rational ethical approach of moral responsiveness and care. Gilligan presents an alternative model of the moral person. For her, what it means to be a moral person is grounded in relationship and interpersonal interaction. To be a person is, first of all, to care about yourself and about others. It is to be responsive to the needs of others. It is to be empathetic and compassionate, sensitive and mindful, and willing to put the good of others before your own good. It is more about feeling, sensing, responding or intuiting what the right thing to do is in a situation rather than deducing what you should do from abstract universal principles.

Moral domains

Moral subjectivity does not exist in a vacuum. We can distinguish two 'domains' of human

Perspectives on human subjectivity / self

1. **Classical view** (Greek/Roman, antiquity up to 3rd century CE; revived in Europe in 11th - 15th centuries). Dualistic: body and soul. Citizen. Reason rules. Moral absolutism (Patriarchy) (Ethics of Justice)

2. **Enlightenment / modernist view** (European, 16th, 17th, 18th, 19th centuries) Dualistic/monistic, Moral absolutism. Liberalism. Sovereign Individual. Transcendental Ego. Absolutism. Autonomy. Freedom paramount. Posivitism: com-prehending, reductionistic, objectifying, grasping, measuring, re-presenting…. Science/reason rules. (Patriarchy) (Ethics of Justice)

3. **Existential / Post-modern view** (19th, 20th, 21st centuries) Holistic/monistic. God is dead. Moral Relativism. Feminism. New subjectivity. Inter-subjectivity. Anxiety, freedom, absurdity. Solitary, separate individual, conflict. Solopsism. Aloneness. (Breakdown of Patriarchy…Simone de Beauvoir) (Ethics of Care)

4**. E. Levinas / Moral phenomenology view** (20th, 21st centuries) the Other. Response-ability. Deferred ego. Flexible self. Open-ended learning. (Radical Ethics of Care)

moral activity: the **personal/interpersonal domain** and the **social/political domain**. Within these two domains, moral responsiveness can be framed primarily from a rational point of view or from

a non-rational one, while usually appearing in blended form. The term "domains" here is intended to include a broad array of types of activities of a similar kind but it is not meant to be rigidly bounded since the two domains presented here overlap considerably, are thoroughly interrelated existentially and can only be separately distinguished for the purposes of reflection. The dynamic mutuality and reciprocity of the domains should be presumed despite the clear differentiation of the activities involved in each of them.

Personal/interpersonal moral domain

The first moral domain is the personal/interpersonal domain. Here the focus of my moral concern is, first of all, me, myself. The "self" is comprised of an "I" from which action is felt to emanate, fused ambiguously with a "me" to whom it is felt that things happen. The moral self exists in an immediate, contextually situated, pre-conscious relation with others—a pre-conscious 'relation' which is not the same thing as conscious social interactions or relationships, discussed below, which are nevertheless included in this domain.

Within the extensive reach and depth of the everyday personal/interpersonal domain, we "absorb" and are shaped by felt vectors of influence, intuitively perceived indications, and 'vibrations' of energy from our interpersonal environment, while simultaneously shaping these experiences within our own conceptual/perceptual framework and contributing recursively to the context making the experience possible. These non-rational, mostly immediate experiences include things like desires, feelings, emotions, inclinations, passions, hunches, gut responses,

urges, premonitions, extra sensory perceptions, deja-vu, insights, daydreams … 'mindless' sense intuitions that nevertheless productively function to configure our moral value orientations and expectations and guide our actions tacitly within and among our life practices—with amazing efficiency!—structuring our moral economy to be in harmony with our everyday practical engagements, in and out of many situations structured differently from a moral value perspective … a somewhat chaotic, spontaneous, messy, and mostly unconscious process which can nevertheless be brought to consciousness and managed to some degree through strategic reflection.

Within the context of this personal moral domain I might wonder how I can become less selfish and more altruistic, for example. I might reflect on how not to repeat moral mistakes, be more patient, or think about in some way upgrading my existential moral value orientation to be more consistent and in harmony with my ever-changing-and-being-refined delineation of the best possible life, something which spontaneously emerges as a natural life goal in this domain. Having reflected on my personal morality, I can then accomplish desired changes by taking responsibility for the configuration and deployment of my morality; exercising it to get better at making moral judgments; courageously taking value-consistent moral positions without knowing if they are absolutely correct, but feeling strongly; studying the ways of moral judgment (such as engaging this text and discussing with friends); pursuing excellence and authenticity through moral exercise and reflection; and challenging yourself to take charge of what is within your power while letting go of what is not.

Social/Political moral domain

The second domain of moral activity is the social/political domain. Here the direction of moral interest and concern is the good of the collective social order in which we all participate, the domain of society and the state. How should the state be organized? How should it be managed? How should burdens and benefits be distributed? And many other questions of this kind arise within the social/political moral domain.

These two domains of moral action, then, the personal/interpersonal and the social/political, will be each investigated more closely in the next six chapters of the text. We will look first at the moral growth and development orientation of the personal/interpersonal domain in Chapter 4 (up next) and further in Chapters 6 and 7. We will investigate the rational decision-making orientation within the context of the personal moral domain in Chapter 5. In Chapter 8, we will look at how an Ethics of Justice informs the nature of the social/political order. And, finally, in Chapter 9 we will look at the social/political order from the perspective of a community of responsive care.

1. Personal/interpersonal moral domain

- **Personal moral development perspective (Chapters 4, 6 and 7)**
- **Rational perspective (Chapter 5)**

2. Social/political moral domain

- **Rational, theoretical, justice-oriented perspective (Chapter 8)**
- **Responsiveness and Care perspective (Chapter 9)**

A Brief Overview of Chapter 3

Chapter 3 pulls together what was presented in chapters 1 and 2 in terms of how philosophical and psychological features of everyday morality fit together and then situates these two sources of moral knowledge with different perspectives on human moral subjectivity. Everyone's moral value orientation presupposes an understanding of **moral subjectivity** or what it means to be a human being.

I understand "subjectivity" generally to mean the capacity to have experiences. To have an experience, at the very least, there must be at least some consciousness that this experience is something happening to "me." Animals are not thought to have a *subjective* consciousness? Subjectivity is revealed in the "self" portion of the self-consciousness that accompanies every act of consciousness. My acts of consciousness are always something that happens to me, that I experience. This chapter investigates the moral dimension of that subjectivity.

Kohlberg showed that the way we make moral judgments can change over time. This is good because it also shows that it is worthwhile to spend time working on getting to know and developing your moral value orientation. Kohlberg's work and Carol Gilligan's criticism of it also brings to light the general orientation of the **Ethics of Justice** and the **Ethics of Care**. You should be familiar with the general characteristics of these two broad moral perspectives and be able to describe their similarities and differences and the kind of subjectivity that is peculiar to each orientation. You might want to listen to the two short videos below that focus on justice and care.

It is important to get a feel for these two general moral perspectives (Justice and Care) and how they impact our understanding of human nature because how you understand human nature influences your beliefs about the nature and functioning of morality. Be able to compare and contrast **modernist subjectivity** and the emphasis on Justice with the understanding of human subjectivity from the perspective of Care.

What I call "modernist subjectivity" involves an overvaluation of the rational approach to morality to the exclusion of non-rational and affective elements. The whole moral person involves an everyday, effective integration of these two perspectives in her or his morality. In the following four chapters we will investigate corresponding moral theories to these perspectives of human nature as they play out in the two domains of human moral action: the personal/interpersonal domain and the social/political domain. Various moral theories corresponding to these two moral domains will be presented in the next four chapters or our text.

You should also be familiar with the **moral domains** presented in this chapter and how the ethics of justice and the ethics of care are interpreted in them.

PRACTICE

TERMS TO KNOW

CHAPTER 3. JUSTICE, CARE AND MORAL SUBJECTIVITY

- Ethics of Justice
- Ethics of Care
- Moral Development
- Lawrence Kohlberg
- Moral stage theory
- Carol Gilligan
- Difference feminism
- Moral subjectivity
- Modernist subjectivity
- Communicative rationality
- Modernist rationality
- Personal/interpersonal moral domain
- Social/political moral domain

TEST YOUR UNDERSTANDING

1. Explain why it is important to determine whether morality can be effectively taught?
2. Briefly explain the main points of Kohlberg's moral development theory.
3. Explain how and why Gilligan was critical of Kohlberg's research?
4. What does Gilligan mean by "difference feminism?"
5. What is modernist rationality and how does it differ from communicative rationality?
6. Briefly describe the "Ethics of Justice."
7. Briefly describe the "Ethics of Care."
8. What is subjectivity? Why is it necessary to consider subjectivity within a framework of ethical reflection? What connection does subjectivity have to ethics?
9. How does the modernist version of rationality differ from the rationality of the care framework?

REFLECTION EXCERCISES

1. Read the Heinz scenario (included in this chapter) that Kohlberg used in his experimental research. First of all, note what your immediate gut response is, what you immediately (without thinking) feel that Heinz should do in his dire situation. Write that down. Now write down why you think that is the right thing to do. After doing this, reflect on your response and your reason for it and see if you can determine which of Kohlberg's stages this puts you at: pre-moral, conventional, principled. Try to extend your analysis to other moral decisions you have made and see if you can form a picture of where your moral reasoning would fall on Kohlberg's developmental schema. Are you always at the same stage or do you sometimes reason differently? Do you see how your morality could be upgraded? Sketch out an upgrade plan for yourself with specific goals. Write them down. Now put this away until you have finished the course of studies presented in this text.

2. Imagine a scale calibrated 0 to 100, with "Ethics of Justice" at the 0 mark and the "Ethics of Care" at the 100 mark. Where do you think your own style of moral reasoning fits on the continuum between these two poles, considering the overall balance of your moral actions? More toward a rational, deliberative approach (Ethics of Justice)? Or more toward an affective-oriented, relationship and situation-focused approach (Ethics of Care). What

do you think is the balance of these two ethical approaches in your life? Where would you place yourself on the 0-100 continuum between them? Why?

SCENARIO EXERCISE

Bias Against Women in Management

International management consulting firm Burns & McAllister is listed by *Working Mother* magazine as one of the top fifty firms in the United States for employment of working mothers and by Working Woman magazine as one of the top ten firms for women. The firm has earned this reputation for several reasons. First, nearly 50% of its partners are women. Second, it has a menu of employee benefits that includes such things as flex hours, sabbaticals, family leave, home-based work, and part-time partner-track positions.

However, B&M recently has been the subject of a series of reports by both the Los Angeles Times and the New York Times that scrutinize its policy on female executives in certain nations. B&M has learned, through its years of consulting, that certain countries in which it negotiates for contracts prohibit the use of women in the negotiation process. The cultures of many of these countries do not permit women to speak in a meeting that includes men. Consequently, B&M has implemented a policy prohibiting women partners from being assigned these potential account negotiations and later the accounts themselves. Clerical help in the offices can be female, but any contact with clients must be through a male partner or account executive.

For example, Japan still has a two-track hiring system with only 3% of professional positions open to women. The remainder of the women in the Japanese corporate workforce become office ladies who file, wear uniforms, and serve tea. Dentsu, Inc., a large Japanese advertising firm, had a picture of the typical Dentsu "Working Girl" in its recruiting brochure. Surrounding the photo are comments primarily about her physical appearance: such as (1) her breasts are "pretty large" and (2) her bottom is "rather soft."

In response to criticism regarding B&M's posture, the head of the firm's New York office has explained: Look, we're about as progressive a firm as you'll find. But the reality of international business is that if we try to use women, we can't get the job. It's not a policy on all foreign accounts. We've just identified certain cultures in which women will not be able to successfully land or work on accounts. This restriction does not interfere with their career track. It does not apply to all countries.

The National Organization for Women (NOW) would like B&M to apply to all its operations the standards that it employs in the United States. No restrictions are placed on women here, NOW argues, and other cultures should adapt to our standards; we should not change our standards to adapt to their culture. NOW maintains that without such a posture, change can never come about.

What should B&M do?