

The background of the cover features a dark silhouette of a person with their arms outstretched, centered against a light, textured background that resembles ancient cave paintings. The overall color palette is a muted, earthy brown.

Rethinking Feminist Ethics

care, trust and empathy

DARYL KOEHN

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RETHINKING FEMINIST ETHICS

The question of whether there can be distinctively female ethics is one of the most important and controversial debates in current gender studies, philosophy and psychology. *Rethinking Feminist Ethics: Care, Trust and Empathy* marks a bold intervention in these debates by bridging the ground between women theorists disenchanted with aspects of traditional 'male' ethics and traditional theorists who insist upon the need for some ethical principles. Daryl Koehn provides one of the first critical overviews of a wide range of alternative female/feminist/feminine ethics defended by influential theorists such as Carol Gilligan, Annette Baier, Nel Noddings and Diana Meyers. She shows why these ethics in their current form are not defensible and proposes a radically new alternative.

In the first section, Koehn identifies the major tenets of ethics of care, trust and empathy. She provides a lucid, searching analysis of why female ethics emphasize a relational, rather than individualistic, self and why they favor a more empathic, less rule-based, approach to human interactions. At the heart of the debate over alternative ethics is the question of whether female ethics of care, trust and empathy constitute a realistic, practical alternative to the rule-based ethics of Immanuel Kant, John Stuart Mill and John Rawls. Koehn concludes that they do not. Female ethics are plagued by many of the same problems they impute to 'male' ethics, including a failure to respect other individuals. In particular, female ethics favor the perspective of the caregiver, trustor and empathizer over the viewpoint of those who are on the receiving end of care, trust and empathy. She argues instead for a radically new dialogical ethic that preserves the important insights of female ethics while making them more defensible and practical. Drawing on Plato's dialogue *Crito*, Koehn demonstrates how a principled, dialogical ethic can instill a critical respect for the view of the other without slipping into moral relativism.

Rethinking Feminist Ethics provides a much-needed overview of the debates concerning female ethics and proposes a refreshing new alternative ethic. It will be of interest to all those concerned with ethical issues in gender studies, philosophy, psychology and politics.

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FOR ALL WHO LISTEN WITH
A DIFFERENT EAR

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INTRODUCTION

According to Greek legend, the earth mother Demeter had a much beloved daughter Persephone. The young Persephone caught the eye of Hades, ruler of the dark underworld of the dead. Hades persuaded Zeus to decree that Hades could take Persephone as his wife. So one day while Persephone was engrossed staring at a narcissus, Hades came up from below and seized upon her, taking her back to his underworld domain. Demeter was distraught when she could not discover what had happened to her daughter. She sought for news of Persephone until she learned that Zeus had sanctioned Hades' seizure of her daughter. Demeter persuaded Zeus to return her daughter to her. Her request was partially granted. Persephone was permitted to live six months of the year with Demeter while spending the remainder of the year in the underworld.

This myth has become something of a rallying cry for women thinkers who are dissatisfied with the tenets of traditional ethics.¹ Although much of this dissatisfaction is well grounded, I shall argue that the alternative ethics offered by women ethicists are fraught with substantial difficulties of their own. Some of these difficulties become readily apparent in the way in which the Demeter myth has been used. On the one hand, women ethicists interpret the myth as a defense of the human practice of caring for and empathizing with particular individuals. Demeter loves her daughter deeply and is willing to fight to preserve her connection with Persephone. She imaginatively re-creates Persephone's loneliness and is determined that her daughter not slip away into darkness and be forgotten. The tale appears to portray the goodness of caring for particular people and of imaginatively entering into their situation.

So read, the myth stands as an important corrective to the focus of ethics offered by most male philosophers. These "male" ethics have tended to downplay or even deny the value of intimate, particular relations, focussing instead upon relations and actions in accordance with universalizable maxims for action. By contrast, women thinkers, like Carol Gilligan, Nel Noddings, Annette Baier, and Diana Meyers, would have us attend more closely to the dynamics of family relations and friendships. These relations are quite fluid and often both presuppose and require a trust and imaginative engagement for which there are no rules. It is hard to see, therefore, how the traditional strategy of modeling human behavior by specifying systems of rules for human interactions will apply to much of what goes on within families

and friendships. Yet there certainly are morally good and bad ways to act within these relations. Indeed, how we treat strangers in the political realm would seem to depend at least partially on whether we have learned from intimates what it means to truly respect, trust and appreciate another human being. It is no accident that, according to the myth, the world at large falls into disarray when Demeter's bond with her daughter is severed. Caring for particular people and caring for the world as a whole are intertwined.

Women theorists also would have us attend to Demeter's plight, a plight suffered by many women. In a world in which men (e.g. Zeus and Hades) have most of the power, including the power to devise theories declaring what counts as a moral action, women's desires and forms of action frequently get ignored. Zeus and Hades do not even consider how Demeter and Persephone may feel about the bargain the two male gods strike. In a sense, the myth re-enacts what is presently the case: it is not so much that Persephone disappears into the dark realm of Hades but that both she and Demeter are *already* in the dark, invisible to the men who are ruling the world.

As Carol Gilligan and Annette Baier have argued, men model those relations with which they are most familiar and comfortable. These relations have tended to be arms'-length relations with colleagues and strangers governed by certain rules and conventions that may work well for a men's club but that do not work at all for relations with children, the very old, or the especially vulnerable. Under the influence of Western scientific methodologies,² male psychologists and philosophers have argued for a quasi-mathematical form of ethical reasoning. In these "male" schemes, ethical reasoning qualifies as mature only if it decides ethical dilemmas by employing universal principles and appealing to a hierarchy of rights in which some rights trump others.³ Ethical reasoning is not distinguished by any effort at consultation with others but rather by a desire to state, defend and apply universal principles. "Ethical reasoning" gets identified with one particular sort of thinking about human actions—namely, a principled, universalistic mode of reasoning. This identification proves problematic for women who, according to many women philosophers and psychiatrists, favor a more consultative form of deliberation. Women treat situations and human character as fluid, paying attention to parties' feelings and struggling to find some resolution of dilemmas acceptable to all parties. From the standpoint of male ethical theories, women's reasoning appears to be ethically undeveloped, and women themselves immature and childlike.⁴

By implication, the desires and thinking of these "immature" women do not need to be taken as seriously as that of principle-using men who are fully ethical and autonomous. Furthermore, to the extent these traditional male ethics are largely self-contained and closed systems, those who subscribe to them have no reason to reassess their position and to seek to uncover any possible strengths of this more inclusive form of reasoning. Consequently, these systems not only relegate women to the position of second-class, ethical citizens but also make it very difficult for women to appeal or contest this judgment of them.⁵ **Women are thus doubly silenced. In terms of the Greek myth, Demeter and Persephone are first ignored,**

as if they were dead; and then they are judged by Hades—ruler of the dead—in such a manner as to insure their voices will not be heard in the future.

The Demeter myth is highly suggestive, and the interpretation women philosophers have offered of it is plausible. Nevertheless, we should remember that myths are symbolic narratives, not position papers. Part of the power of myths lies in their ability to reveal the dark side or shadow of various human practices. The Demeter myth is no exception. It discloses a dark, less positive dimension to caring, empathy and trust, a shadow side largely overlooked by many women philosophers who defend these practices. It is my contention that this blind spot leads these theorists to defend female ethics that reproduce the same violence, silencing, and manipulation they discern in the “male” ethics of Immanuel Kant, John Rawls, and John Stuart Mill.

For example, it clearly is possible for people to care too much. A desire to preserve relations with the child may lead a parent to be over-involved in the child’s life and to deny the child sufficient scope to exercise her own discretion. Growth and development involve separation as well as connectedness. In many versions of the myth, Persephone *chooses* to remain separate from her mother. Zeus decreed that Persephone could return to Demeter only if she refuses all food. Persephone opts to eat some pomegranate seeds, providing nurturance for herself. We could read the myth as pointing to the importance of breaking ties with an overly-protective parent, ties which are not giving one the “food” one needs. Persephone returns to her mother for part of the year, but is able to do so on her terms. In fact, the whole myth can be read as a metaphor for the process of organic growth. The seed or offspring of the parent (Persephone) must separate from the parent organism (Demeter) and fall into the fertile earth (Hades). The seed lies dormant for a period in the furrow, drawing strength and sustenance from earth (Hades is also known as Pluto, derived from the Greek word for “wealth”). Only after this time is the organism able to bloom forth into the daylight and to lead a healthy, independent existence.

We should also ponder the myth’s not so subtle hint that women’s “caring” and violence may go hand in hand. Noddings and Gilligan either forget or gloss over the fact that Demeter is so angered by the loss of her daughter that she attempts to kill all living things on the face of the earth in retaliation. Demeter is so convinced of the rightness of her own caring that she will brook no opposition to her will. She is going to rescue her daughter at all costs, even though it is far from clear that Persephone wants to be rescued. To the extent that an ethic of care or empathy provides no incentive to self-reflection, the caregiver may easily slip into a self-righteous anger. Care (trust, empathy, etc.) and manipulation are not necessarily mutually exclusive. What appears to an empathic trustor as a “betrayal” may be a healthy distancing in the eyes of the person who is resistant to the other’s care or trust.

This book examines the ethics of care, trust and empathy defended by Carol Gilligan, Nel Noddings, Annette Baier, Trudy Govier, and Diana Meyers. These so-called “female”/“feminist” ethics articulate many important insights, some of which I will develop at length.

However, these ethics are riddled with problems, not the least of which is a marked tendency to reproduce the rigidity and insensitivity to difference that they attribute to “male” impartialist ethics of principle. This book tries to rethink key insights of female ethics in such a way as to make them more defensible. In order to be defensible, female ethics must become more dialogical. That is, these ethics must provide some space in which people who are on the receiving end of care or trust or empathy (i.e. what the caregiver, trustor or empathizer thinks of as such) can contest effectively the caregiver’s, trustor’s or empathizer’s expectations. Providing for such a space turns out to require certain principles. Although these principles take a very different form from those employed in traditional ethics, they are principles nonetheless. The contrast between “principled” male and “consultative” female ethics is not, therefore, as clear-cut as some women philosophers seem to think. A defensible ethic requires elements from both male and female ethics.

Before sketching this rethinking of female ethics in more detail, I need to say a word about my usage of the controversial expression “female ethics.” I want as well to outline in more detail what I take to be a number of the key, shared tenets and commitments of women ethicists who argue for a departure from traditional male ethics.⁶ Such an overview will help to convey a sense of what exactly is at stake in the currently raging debate over the relative merits of male and female ethics. In addition, since the ethical approach I defend in the latter portion of the book has many affinities with female ethics and aims at incorporating their insights in a more defensible form, I want to be clear early on as to what I take to be the core concerns of female ethics.

A note on usage

For purposes of this analysis, I group the various ethics being offered by women philosophers under the single rubric “female” ethics. Since these ethics are being portrayed as a diametrically opposed alternative to the “male” ethics prominent in a philosophical tradition dominated by men, they are appropriately described by the opposite of “male”—“female.” Some women ethicists have argued for a further distinction. They contend we should distinguish between “feminine” (or female) and “feminist” ethics.⁷ “Feminine” ethics describe and celebrate the form of reasoning many modern women employ, often focussing on the way women speak and behave in their marriages, their friendships and their relations with their children. Since some of these *status quo* relations are unjust, feminine ethics may perpetuate inadvertently prejudicial societal norms regarding what is “feminine.” Feminists fear ethics of care and trust will assign women to an all too “familiar ghetto rather than a liberated space.”⁸ What is needed, therefore, are more explicitly liberationist ethics by women for women. Like feminine ethics, these “feminist” ethics reject traditional male reasoning; but, unlike feminine ethics, they take their bearings from an overarching commitment to freeing

women from unhealthy relations, detrimental stereotypes and debilitating norms of a patriarchal society.⁹

The feminists' point is well taken. Many of the criticisms advanced by self-described feminists such as Claudia Card, Linda Bell and Sarah Hoagland are quite cogent; and I develop and refine some of their concerns in subsequent chapters. However, I think that ultimately it is not possible to draw a hard and fast distinction between "feminine" and "feminist" ethics. A "feminine" ethicist such as Nel Noddings clearly has as one of her aims the liberation of women from stultifying strictures of traditional ethics advanced by men. Furthermore, the differences between the feminine and feminist ethicists are less significant than the large number of similarities. Many of the serious reservations and objections I want to raise apply to so-called "feminine" and "feminist" ethics alike. Therefore, for purposes of this analysis, I shall treat both under the rubric of "female" ethics.

Central tenets and concerns of female ethics

That said, I turn now to what I take to be the key tenets or features of female ethics. I take a "female ethicist" to be any theorist who subscribes to all or most of these tenets. Women who adopt a more traditional approach to ethics thus would not qualify as female ethicists. Conversely, male philosophers or theorists who make these claims *in principle* could qualify as female ethicists. However, precisely because most men have not had the experience of finding their experiences excluded from philosophical discussions and of having their voices silenced, they have not been led, as women have, to argue for the claims discussed below. Nor have they been inclined to bring the experiences of women to the foreground of their arguments. So, *as a matter of fact*, there are few, if any, men doing female ethics in the sense in which I am employing this term.¹⁰

Feature 1: the relational self

The female ethicist takes the self to be relational, rather than discretely individualistic.¹¹ Some female ethics go so far as to claim that the self *is* a relation.¹² While this last claim is somewhat extreme, female ethics in general stress the fact of human interdependence. Despite Hobbes' assertion to the contrary, human beings do not spring up like mushrooms.¹³ The fiction of a totally self-contained agent may be useful for some legal and political purposes. If we are not careful, however, we will come to think it a weakness to be unable to live a totally self-sufficient life devoid of emotional attachments. We will forget that human beings must be born and then nurtured if they are to survive and that there is often strength in interdependence. As we age, we depend upon family and friends to help us execute various plans and to aid us when we fail ill. Even during our prime, we must trust in others' good will

(or at least in the absence of malice) if we are to thrive. Human beings are thoroughly embedded in a host of involuntary, as well as voluntary, supportive social relations through which we define ourselves.

Feature 2: benevolent concern for the vulnerable

Given that the self is thoroughly relational, relations between the parent–child (particularly the caring mother and her child) or among friends are appropriate paradigms for thinking about the character of ethically good behavior of human selves. Granted, there are difficulties with these paradigms. The relation between parent and child is not an equal one and may prove misleading as a model for human relations in general. Furthermore, not every woman is a mother. She is, however, a daughter. So perhaps it would be better, as some have argued, to examine what it means to be a good daughter.¹⁴ These skirmishes aside, female ethicists agree that intimate relations constitute an important part of human life. They serve as better models for thinking about what is involved in the good life, more so than contractual relations between voluntarily consenting strangers. The legalistic contractual thinking, so favored in traditional analyses, may alienate persons, rather than draw them together.¹⁵ The legalistic approach also ignores the large portion of the population who either have not yet reached adulthood or who have become mentally or physically incapacitated. Male ethics, stressing individual freedom and arms’-length relations with others, usually impose minimal duties of benevolence upon agents. Female ethics, by contrast, argue for something like a duty to care for and to empathize with these vulnerable members of our community.¹⁶

Feature 3: the publicness of the private

It should be clear from Features 1 and 2 that female ethics treat the so-called “private” realm of familial and household relations as being of public significance. Persons who learn to trust and care within the realm of the home bring these virtues with them into public life as well. Conversely, failures in nurturance often lead to violence inside and outside the home. An angry son may become a bellicose man in a position of power who has little capacity to feel for and to respect other people.¹⁷ No community can afford to be indifferent to this violence. Yet the ethical tradition has been insufficiently attentive to child nurturance and education. Philosophers have become fixated on the problem of defining the idea of a right, defending the existence of particular rights, grounding these rights and identifying the correlative duties. Since rights must be enforceable; and since the law is the preferred enforcement mechanism, the rights-based approach to ethics has tended to reduce all ethical issues to quasi-legal ones. Since legal obligations are often of only the most minimal sort, this reduction impoverishes our ethical world.¹⁸

Female ethicists regard our ethical obligations as more extensive and perhaps demanding than our legal ones. Our children do not have a *right* to our love, given that love does not seem to be an activity or emotion that can be produced upon command. On the other hand, we think good parents are those who love their children and are willing to devote years of their lives to rearing good children.¹⁹ Friendship, too, seems misconceived in terms of rights and duties.²⁰ When my sick friend thanks me for visiting her in the hospital, it seems perverse to respond: “Yes, I did so out of my sense of duty to be benevolent.” It could be argued that my friend’s thank you is spontaneous gratitude for an equally generous gesture on my part originating in a free love for my particular friend, not in some perception of a duty I might have felt toward any sick human being. The language of care and love seems more appropriate when discussing our relations with intimates who are often needy and vulnerable.

Feature 4: the importance and value of difference

Female ethicists are wary of rights- or duty-based ethics (e.g. those offered by Kant, Rawls, Nozick) for a second reason as well. These ethics tend to try to deduce maxims of action from a set of logically consistent principles and to specify a hierarchy of rights in which some rights “trump” other rights. The belief in the system’s objectivity often precludes listening well to persons with different perspectives. “Male” ethics often presuppose or posit a completely impartial “rational” or “prudent” person who is alleged to be representative of all members of the political community.²¹ Anyone who fails to agree may be dismissed as “irrational” or “immature” in ethical development. Female ethics, by contrast, take respect for and attentiveness to possible difference, instead of formal consistency, to be a hallmark of ethical maturity. Female ethics see no particular virtue in consistency, given that an agent could be a perfectly consistent racist. Respect for difference, however, *is* ethically important. Without respect for difference, we paradoxically tend to lose any sense of the personal *individuality* that makes each of us so special and which the male ethicist would have us respect. Marilyn Friedman makes the point quite nicely:

Indeed, there is an apparent irony in the notion of personhood which underlies some philosophers’ conceptions of the universalized moral duties owed to all persons. The rational nature which Kant, for example, takes to give each person dignity and to make each of absolute value and, therefore, irreplaceable, is no more than an abstract rational nature in virtue of which we are all alike. But if we are all alike in this respect, it is hard to understand why we would be irreplaceable. Our common rational nature would seem to make us indistinguishable and, therefore, mutually interchangeable. Specific identity would be a matter of indifference, so far as absolute value is concerned. Yet it would seem that only in *virtue* of our distinctive particularity could we each be truly irreplaceable.²²

Seyla Benhabib takes the point still further. If we do not have discrete individuals, then we cannot, she argues, logically speak of persons as being “interchangeable.” Male ethics treats as moral only those choices and policies that we would endorse were we to change positions with other people affected by these choices. But such interchangeability presupposes identifiable, discrete individuals who can exchange positions. If we cease to think of persons as distinguished by their various histories and interests, there are no discrete persons to adopt one another’s point of view.²³

Feature 5: emphasis on imaginative discourse

Male ethics stress deductive reasoning as the hallmark of ethical reasoning. These ethics would have us derive our duties from the Kantian categorical imperative, from a state of nature, or from some other original position. While female ethicists do argue for their ethic, they highlight the importance that imagination plays in our ability to relate to our fellow human beings and in our characterization of the various practical problems and choices we daily confront.²⁴ In particular, imagination plays a large role in the female ethics’ virtues of care, trust, and empathy, all virtues (or quasi-virtues) largely overlooked by previous ethics. Female ethicists think that we should not assume away difference by positing a *typical* community member. For female ethicists, the ethical and political problem is largely one of achieving sufficient imaginative insight into the perspectives of persons with experiences and commitments different from our own to be able to undertake joint actions and to form mutually beneficial relations.²⁵ By repressing difference, male ethics assume away the ethical problem.

Female ethics are sometimes described as “discursive ethics.”²⁶ This characterization is apt. Women theorists suspect ethics derived from some theoretically objective, impartial point of view and emphasize instead the importance of talking with particular persons who have a history and who are facing some highly contextual dilemma or choice.²⁷ We are to listen to their stories and attempt to negotiate with them to arrive, if at all possible, at a course all affected parties find acceptable. Making sure that conditions for discourse are such that conversants are equal participants becomes every bit as important, if not more so, than spelling out the allegedly objective form ethical reasoning must assume in order to be ethical.²⁸

Feature 6: making a difference by changing the world

Having themselves suffered the experience of having their ethical concerns ignored or dismissed as “irrational,” female ethicists are very attuned to power dynamics within communities.²⁹ We are always already living in some historically conditioned community in which people

have vested interests in trying to preserve their positions, status, and income. To assume a clean slate—a state of nature prior to society or some original position in which people are divorced from an outlook thoroughly influenced by class, gender, wealth, and a host of other factors—risks ignoring the very real practical difficulties faced by women, the poor, persons of color, recent immigrants, etc. Any ethic worthy of our trust ought to at least try to grapple with the problem of power differentials within the community whom it addresses.³⁰ An ethic cannot lead to the good life unless it speaks to persons' lived lives; female ethics attempt to be more realistic by beginning with the "situated" character of agents' lives.³¹

Since we are historical creatures who live in a history made by human beings, it follows that we can change the world in which we live out our lives. Our world, then, should not be viewed as a static given. We make the world in which we act, sense and love through our actions. Like the existentialists before them, female ethicists assign a tremendous power to reform. If our actions make the world, then we can act to change the very conditions under which we love, laugh, trust, work. We can bring a caring and trusting world into existence through acts of caring and trusting.³²

The distinctiveness of female ethics

These are serious claims. Indeed, I suspect that precisely because these claims are quite important, others have begun to busy themselves with denying that those who advance female ethics have anything unique to say. Everything worth saying has already been covered, we are told, by male theorists. After all, existential ethics celebrate the creative power of human action. Aristotelian virtue ethics focus on human development, embedding human beings squarely within the communal or "relational" realm. What is more, virtue ethics question the possibility of an impartial spectator who is able to represent all persons. For a thinker like Aristotle, the perspectives of the vicious and virtuous human beings are in critical ways incommensurable and therein lies the ethical problem.³³ The philosopher Mill champions the value of human individuality in various works.³⁴ Kant understands full well that any social contract theory already must presuppose the social relations it is meant to ground.³⁵ He thus anticipates the female ethics' critique of contract theory by 150 years. Furthermore, the Kantian duty of benevolence binds us to look after the vulnerable to the extent that it is feasible and wise to do so. Professional ethics, too, direct our attention to the more marginal members of society. Indeed, these ethics (e.g. medical, legal, ministerial) have been thought to derive their distinctive character from their insistence upon putting the sick, spiritually troubled, or accused at the moral center of the professional–client relation.³⁶ Professional ethics have already been very far down the path now being traveled by female ethics.

Some portions of the critique unquestionably have been anticipated by others. Still, while certain strands of female ethics do appear in other thinkers, no other ethic weaves

together all of the strands I have identified as being characteristic of female ethics. Moreover, female ethics derive much of their significance and poignancy from women theorists insisting upon placing *the experience and reasoning of women as related in their own voices* at the forefront of their analysis.³⁷ While this reasoning does not become ethically sound simply by virtue of coming out of a woman's mouth, any ethic making pronouncements about how *all* human beings should reason and act would do well to consider objections actual human beings might raise to these injunctions. Suppressing, ignoring or devaluing the opinions of half of the human race seems unjust and foolhardy as well as logically inconsistent.

Female ethics try to correct this deficiency, in part, by listening to women. As Virginia Held puts it, no other ethics "have paid remotely adequate attention to the experience of women."³⁸ It is true that other theorists have written on empathy and care and on the unwise neglect of these activities. Willard Gaylin, Milton Mayeroff, and Robert Goodin all have done early, important work on care and empathy and on duties owed to the vulnerable in our society.³⁹ They do not, however, speak directly to the extent or politics of the exclusion of women's experience and voices. Women theorists' focus on women's experience and on the dynamics of exclusion warrants calling their ethics "female."⁴⁰

Female ethics differ from other ethics in their methodology as well. Instead of laying out grand systems in the manner of a Kant, Mill, or Aristotle, they reflect upon women's practices and try to derive guidelines for action from the character or essence of a single activity or virtue (e.g. care or trust or empathy). In this respect, these ethics are akin to specific professional ethics (e.g. medical or legal ethics) that derive norms from the character of the particular end pursued (e.g. health or legal justice). For some female ethicists (Baier; Noddings), trust or care by itself grounds what they seem to think of as a stand alone ethic. Others (Gilligan; Meyers; Held) conceive of their female ethic of care or empathy as a separate but equal supplement to rights- or duty-based ethics.⁴¹ In both cases, though, female ethicists tend to treat the activity in question as intrinsically good, even though it may not provide for the complete good. This approach is sufficiently distinctive to warrant close scrutiny: can an entire ethic be grounded in a single interpersonal activity of caring, trusting or empathizing or even some combination thereof? What guarantees that care or trust will not prove manipulative or pathological? Are these activities self-regulative in some way? If not, could they be reconceived in some more defensible fashion?

The project

While philosophers and psychologists have quarreled over the empirical question of whether women actually do reason differently than men about moral matters, thinkers have devoted less attention to the logically prior question: even if women do have a different way of reasoning, is it truly ethical? Some groups (e.g. the Ku Klux Klan) might have a distinctive mode of reasoning, but distinctiveness *per se* does not make a form of reasoning morally

sound. Before we build an entire research industry around female ethics, we need to step back and try to assess the extent to which these female ethics are defensible. Since my aim here is to critically assess female ethics with a view to rendering them still more defensible, I want to state at the outset which claims of female ethics I find cogent and persuasive and will be trying to salvage and which claims seem indefensible. I begin with the claims I accept.

1 I concur with female ethicists' contention that human beings are not autochthonous creatures. If the idea of a self sprung from the earth is indeed *the* modern view of the self, then the modern understanding is defective. Infants are not self-nurturing, and no human being acquires language except through interaction with other human beings. The very fact that we are living, language users suggests that we are already in relation with our fellow human beings. Therefore, the attempt by Hobbes and others to specify ground rules (including linguistic ones) to be used to build up trusting relations among human beings is misconceived. The attempt to build these relations from the ground up will presuppose the very relations of trust and care or, more generally, the sociability the rules supposedly make possible.

Moreover, there does appear to be a logical difficulty in conceiving of the self as an interested individual who has no interests in particular, has no history, and has no body.⁴² If people are totally interchangeable, then it becomes impossible to differentiate them as individuals—i.e. different selves. In a related vein, we might well ask whether it even makes sense to speak, as some traditional theorists do, of individuals who have no particular interests apart from an interest in being treated fairly. Normally we think of an interest as a distinguishing feature: my friend Joe is interested in jazz, while Susan has an interest in dance. While the Kantian and Rawlsian attempt to derive ethical norms from the abstract idea of a universally shared interest is ingenious, it is hard to see how any norms so derived could apply to *individuals*. Since a generic interest by definition is shared by all persons, the individual has once again disappeared from the picture.⁴³ Since I accept that there are individuals with distinctive and distinguishing interests, I will be offering an ethic that preserves and respects individuality.

2 I concur that traditional theories' separation of the public and private realms is morally suspect. Stating and defending an absolute distinction between the two has proven notoriously difficult (e.g. are corporations really "private" given that they are legal fictions of states?). Furthermore, the same person inhabits both realms irrespective of how we draw the distinction. It is doubtful whether we can separate the behavior of the father or mother in the home from their roles as doctors or citizens. "Private" choices have a way of leaking into "public" ones.⁴⁴ Such considerations show how tenuous the public/private distinction is. Precisely because the idea of two distinct realms is contestable, there is all the more reason to solicit different persons' points of view and to do so in a way that does not slot persons in advance into one realm or the other. Female ethicists correctly note that women historically have been assigned roles limiting them to what has been dismissed as the "private" sphere. If the public sphere determines persons' roles, then there is some danger that women will be

kept in their place by assigning them a place that they, by definition, cannot effectively challenge.⁴⁵ The very possibility of such a danger would seem to make it incumbent upon ethicists to try to hear the voices that have been silenced. One important way of doing so is to admit the contestability of the public/private distinction and throw it open for discussion to anyone who cares to comment upon it. To the extent that female ethics attempt to initiate and sustain such a conversation,⁴⁶ their effort merits our support. The ethic I will be defending supports this effort and allows us to revisit and recast the public/private distinction.

3 No doubt there are many objections one might raise concerning the traditional ethical approach of positing a necessary principle and then trying to formally deduce an equally necessary system of further rules or procedures for deciding any and all ethical crises. For example, this approach inevitably makes some determination as to what sort of actions lie within the moral domain (e.g. only actions done from duty) and who qualifies as a moral subject (e.g. only those persons who possess enough conscience that they are able to act from duty). Persons who do not assent to these characterizations may find that the ethical system in question gives them no chance to protest because their response (or their person) has already been determined to lie outside of the moral domain. Their objections may be sound; the theorist may be wrong about his principles. At a minimum, an ethical theory should create a space in which critics can register objections. Without such a space, the theory will be violent in the sense that agents will be subjected to determinations they think are unjust and will have no way to challenge these determinations. The theorist, too, will be at risk. For, in the absence of such a space, he has no way of learning about his mistakes because his own theory has foreclosed potentially interesting lines of reasoning.

In addition, the traditional approach relies upon descriptions of actions and situations it provides. Principles are applied to situations the theorist characterizes. But why should we accept this theorist's characterization as correct or as just? For example, a Kantian might characterize a party's broken promise as an unwarranted breach of trust. However, the "offending" party may see her action as justified.⁴⁷ She may think either that she has, in fact, honored the promise or that there was no trust left to betray. Given that it is usually precisely this description of an action that is the subject of dispute, the description cannot legitimately be presupposed.⁴⁸ By calling our attention to the problem of perspective implicit in any description of a situation, female ethics rightly warn us against "ethical" approaches that, in effect, assume away the ethical issue—how to hear and then adjudicate among competing descriptions of a situation.

While I accept the legitimacy of the above three concerns, I think each of these points needs to be further elaborated and refined. I do *not* accept the way in which female ethics to date have attempted to solve these concerns for several reasons.

1 It is highly questionable whether we can save the individuality of the self by adopting female ethics' idea of the self as completely relational. The problem here is not simply the

oft-voiced feminist concern that such a view of the self destroys individuality by locking women into pathological relations created and sustained by patriarchal societies. Even if these relations were not pathological, they would still be problematic for a number of reasons. One reason is logical. If every self is in a relation of a certain sort (trusting, caring, empathizing), then all selves once again become interchangeable and thus lose individual identity. We might try to avoid this logical difficulty by defining these relations as ones capable of respecting other people in all their concreteness, individuality and historical particularity. This maneuver, though, leaves the relation generic—i.e. “a relation that respects individuality.” This generic quality is not especially surprising since some generic dimension to the self will be unavoidable, given that we are thinking about the self and our thought always deals in abstraction. What is still more worrisome is the way in which this maneuver simply sidesteps the difficult issue of perspective. From whose perspective is the act of caring “respectful”? The caregiver’s? Or the cared-for’s? As we shall see, practices of caring, trusting and empathizing have many pathological forms. What passes as respect in the caregiver’s or trustee’s eyes may look like an evil projection to the trusting or cared-for party. We need an ethic that preserves the idea of a respectful and responsive self but that does not construe the self as so constructed by relations that an agent lacks any freedom to contest other people’s practices and assumptions.

A related worry is our relations are not as transparent as female ethicists seem to think. Female ethics tend to forget that every encounter with another is mediated by those images we bring to the encounter. For example, two women may have very different images of who qualifies as a caring mother. If what we mean by being a “mother” is debatable—and there is no reason to think it is not—then we are not entitled to treat the mother–child relation as if it were an uncontroversial, ethically exemplary relation. Shifting our focus to the mother–daughter relation does not solve the problem because who or what a daughter is remains debatable as well.

2 Nor do I accept the idea that we should deal with the problem of the relation between the public and private realms by treating the act of ministering to one another’s needs as a public function.⁴⁹ Desires and needs are not easily separated from one another in the case of human beings. People can be manipulated into having certain oppressive needs—e.g. a need to be very thin. As Stanley Rosen has argued, the creation of arts to meet our needs continually results in the creation of new “needs.”⁵⁰ Human beings came to need meat as part of their diet only after they had invented the arts of hunting and cooking. Furthermore, talk of meeting another’s needs is psychologically naive to the extent it overlooks human beings’ tendency to imitate one another. Frequently what we claim to need is something *we desire for no other reason than because someone else desires it*.⁵¹ If so, then our needs already always lie in the public sphere. And, unless these mimetic dynamics are kept in mind, our caring for and empathizing with others will be subject to a pathological mirroring. This mirroring may lead to an escalation of desire instead of the fulfillment of our “needs.”

Even if we could restrict “needs” to those fundamental, felt compulsions that either are constitutive of a person’s individuality (e.g. the need for self-expression; the need for privacy) or are conditions for life itself (e.g. the need for food or shelter), we will encounter some difficulties. We surely cannot be bound to meet the needs of all persons. A serial killer might have a “need” to kill others in order to express his sense of his own power and to keep this power. But it does not follow that we should collectively pander to this need. In more general terms, the ethical problem is not simply one of injecting policies or attitudes of care, trust, etc., into the public realm. Rather the problem is to figure out precisely how simultaneously to honor the concrete otherness of persons *and* to rule out behaviors that interfere with our ability to sustain a shared, communal life. Our ethic should lead us to care for justice and the rule of law as well as for our needy and vulnerable friends and acquaintances.

3 Finally, although we should be sensitive to the ways in which our principles lead us to foreclose possibilities, we also must recognize the peculiar and important power of principles to set liberating limits. Principles enunciating absolute prohibitions can open up, as well as close, possibilities. For example, the language of absolute, inalienable rights has been instrumental in allowing persons to oppose tyrannical governments or persons and in placing limits on what agents legitimately may do out of loyalty to their ethnic group or race.⁵² Gilligan herself appeals to an ideal of respect, which she treats as an absolute principle, claiming that it must be honored at all times.⁵³

Furthermore, while it is true that our commitment to some principle may lead to a premature formulation of a problem or characterization of a situation, getting rid of principles does not solve the problem of contestable descriptions. Just as the traditional ethicist will describe a situation in such a way as to enable him to apply his principle or rule, so will the care ethicist or trust ethicist inevitably characterize certain situations as ones calling for care, trust or empathy. When and whether a situation will be seen as involving trust will depend upon the female ethicist’s definition of trust. So female ethics are every bit as prone to premature formulations of situations as traditional ethics. If we are to guarantee persons the opportunity to challenge these formulations, we may need something akin to an absolute principle granting them the privilege (or right?) to question the framework or system of discourse in which the other is operating. An ethic employing explicit regulative principles of discourse may be better than one that subjects those on the receiving end of care or empathy to a host of non-explicit rules or expectations built into the caregiver’s or empathizer’s view of their own practices.

The structure of the argument

The first half of the book ([Chapters 1 through 3](#)) examines three forms of female ethics: ethics of care, empathy, and trust. [Chapter 1](#) elaborates the care ethics offered by Carol Gilligan and Nel Noddings. The primary focus of this chapter is on the work of these two

women, although the chapter occasionally draws on later work done by women theorists who see themselves as further elaborating and extending the care ethic. [Chapter 2](#) considers Diana Meyers' ethic of empathy; [Chapter 3](#) examines the trust ethics defended by Annette Baier and Trudy Govier. While each ethic has its own peculiar strengths, they share a number of worrisome defects. First, there is nothing self-regulating in care, empathy or trust insofar as these practices are conceived of as strictly interpersonal activities. Apart from some rather vague claim that it is good to be in relation with others, there are few or no regulative principles in these ethics. The lack of principles is troubling because, as we shall see, the practices of caring, trusting and empathizing frequently are manipulative and harmful to both the active party and the person who is being cared for, trusted in, or empathized with. While some versions of these ethics do grant that there are certain people who may not merit our trust or care, these ethics allow this determination of worthiness to be made solely by the trustor, caregiver, or empathizer. As a result, these ethics not merely encourage but actually tacitly sanction a dangerous self-righteousness. They mislead as well because they make it seem as though if we are just open enough to others we can grasp exactly what they are thinking. No such mind-meld is possible, however. We always mediate what others are saying through some conception we have of the issue under discussion. To the extent these ethics fail to address this problem of mediation, they prove every bit as rigid and exclusionary as traditional ethics.

In addition to lacking any checks on self-righteous projections or abusive relations, these ethics lack any vision of human good capable of organizing our lives into a meaningful whole. The injunction to care for (or trust in, etc.) other persons ignores the fact that the form of care matters a good deal. It hardly seems ethically good for my doctor to refuse to heal me because she wants to care for me by writing my will. What provides focus in this type of case is some particular good around which the relation is organized. Female ethics have evacuated various practices (e.g. the professions and arts) of their moral content in their zeal to have persons engage in generic practices of caring and empathizing that are defined entirely in terms of purely formal operations.⁵⁴

This lack of any organizing good is troubling in a second way. It undermines female ethics' ability to make sense of virtues like integrity and to resolve practical dilemmas. How are we to make sense of integrity, much less maintain it, if the self is nothing more than the product of random trusting encounters with others or if the self is totally constituted by prevailing social relations of nurturance, trust, etc.? If we are morally bound to empathically apprentice ourselves to every person we encounter, how can we ever get around to achieving our own goals and to executing our plans? Moreover, for whom are we to care and with whom are we to empathize when confronted with competing objects for our attention? What justifies our choice?

These issues arise because female ethics have glossed over the question of limits. They envision a world in which persons are maximally nurturing and understanding and in which,

as a result, each person has a chance to achieve self-fulfillment. But insofar as these ethics are lacking in an end or goal (*telos*), it is hard to see exactly what can possibly be meant by self-fulfillment. Moreover, requiring that we be infinitely open to and nurturing of our fellow human beings would seem to threaten the rule of law as well. If caring conflicts with the law's demands, is the agent entitled to make a private determination that she may flaunt the law?⁵⁵ It is doubtful whether any rule of law could withstand such determinations. Are we to do away with the laws that define the political sphere? If so, what is to regulate relations among total strangers and check outbreaks of violence?

The second half of the book argues for what I call a "dialogical ethic" that preserves the crucial insights of female ethics while avoiding many of the problems noted above. This ethic begins with the insight that everyone of us is prone to error. That does not mean that all actions, characters or choices are equally good (or bad). Nor does it mean that we are incapable of distinguishing good courses of action from bad ones. On the contrary, to speak of an error or mistake is to imply, first, that we are capable of using the truth to identify problems in our positions and those of other people; and second, that our speech can be more or less truthful. If we can speak the truth about what is truly good for us; and if we do not desire to harm ourselves, then we are in a position to knowledgeably identify, desire and pursue genuinely good courses of actions. Since conversing with other people who may possess relevant insights into living well is one important way open to us for correcting our errors, it follows that conversation or dialogue with others is practically desirable and an essential part of living well.

Care must be taken, though, to specify what is meant by a "conversation." I argue that not every exchange of sound or even speech qualifies as such. Conversation requires that one or more of the parties to the spoken exchange is persuadable by what is said in the exchange. In order for persuasion to be a possibility, participants must commit to certain principles, principles that are not derived transcendently but that are articulated and consented to in the course of conversation itself. These principles are absolute. So, on the one hand, the dialogical ethic is able to avoid the charge of moral relativism to which female ethics are always susceptible because they seem to glorify in trying on, and even submitting to, different perspectives simply because these perspectives are different. On the other hand, this absoluteness is in the service of preserving dialogue between particular individuals whose interests and points of view may not be known prior to the dialogue itself. The dialogical ethic, therefore, does not assume a god's eye point of view so often present in accounts that appeal to what all persons of "reason" would think or accept. Neither does it attempt to derive a whole system of practical precepts or rights and to then allege that everyone is obligated to honor these rights. Rather the dialogical ethic is able to appropriately resolve practical difficulties or disputes through a conversation that is both highly specific to the participants involved and also generic by virtue of complying with the principles of the ethic.

The dialogical ethic refines the insights of female ethics in several ways. It maintains the openness to particular individuals rightly prized by those women defending ethics of care, trust and empathy. Unlike some traditional ethics, this ethic imposes no advance restrictions on the types of questions and concerns people may express in their interaction with each other. It makes no attempt to derive moral precepts by appealing to some representative prudent or rational person. In these ways, then, the dialogical ethic is akin to female ethics. However, it differs from them in providing for a *critical* openness. Conversants are allowed to bring their truths to the table but they are not obligated to “apprentice themselves” to the other party’s perspective. Using the example of the conversation between Socrates and Crito, I show in detail how the same principles that conversants accept in order to make genuine conversation possible equally oblige them to test the truth of what is being claimed and to evaluate its implications for living well. The ethic gives a focus to interactions and relations—a focus on living well—without requiring all conversants to begin with the same definition of the good life.

The dialogical ethic also acknowledges the fundamental relatedness of human beings. It makes an individual’s welfare dependent on having conversations with other people from whom he or she potentially may learn things of great practical importance. But this dependence should not be confused with some female ethics’ claim that the self is either nothing but a relation or nothing other than a social construction. These two views deprive the self of the freedom to oppose manipulative or violent societal structures. The dialogical ethic reserves to the individual a *viable* right or privilege of withdrawing from abusive interactions or exchanges with little or no persuasive potential. As I noted earlier, not all verbal exchanges are conversations. If and when it becomes apparent to a participant through attempts at dialogue that the other participant is unpersuadable, then the first party is entitled to leave the relation. The dialogical ethic is sensitive to power dynamics and the likelihood that attempts to dominate others will sometimes masquerade as “conversations.” By ensuring a viable right of exit, the ethic avoids locking women and others into abusive relations.

Third, the dialogical ethic extends female ethics by placing the contestability of our various claims at its center. To the extent female ethics emphasize the need to listen to the possibly unique position of every individual with whom we interact, these ethics must contend with the possibility that one of these persons will raise a crucial objection to our position, an objection we may have overlooked. Female ethics, therefore, are implicitly committed to what the dialogical ethic makes explicit—namely, that we should not lose sight of the possibility that we have erred, perhaps seriously. We may be mistaken not only about the particulars of some case but also about the character of care, empathy, trust; about who qualifies as a mother or daughter; about what it means to be liberated or free. Keeping this possibility before us provides a strong motivation not only for listening to another person but also for actively seeking out, playing with and critically testing different perspectives. In other words, caring for our critical conversations with other people gives us a reason to care

for, to trust in, and to imaginatively travel with them. In this sense, the dialogical ethic I am proposing does not so much displace or replace female ethics as reorient them toward the need for critical conversation. This need is fundamental because such conversation enables us to assess the status of other “needs.”

This reorientation results in an ethic far more political than most female ethics. I shall argue that the principles making conversation possible simultaneously necessitate a radical rethinking of what is meant by the rule of law. In particular, to be morally legitimate, the laws we pass and support must protect individuals by guaranteeing them a viable opportunity to contest the laws and a viable option to leave the community if and when persuasion of those in power proves impossible. Caring for individuals and respecting them thus turns out to be considerably more onerous than female ethics have acknowledged. We have to do more as citizens than simply apprentice ourselves to, or play with, other people’s point of view. Unless we revise female ethics to take into account tensions between individuals and the law, female ethics unwittingly will reinforce a possibly unjust legal system.

Finally, the dialogical ethic preserves female ethics’ insights while making them more practical. Since female ethics treat human relations formally and make no appeal to any kind of organizing good, they are lacking in synthetic power. They do a good job of identifying problems with other approaches and of specifying conditions processes must meet in order to qualify as mutually reciprocal. They provide far less help when it comes to making a good choice between competing objects of care or trust. Lacking an organizing good, they have no way to focus and order various concerns or to create consensus among people who initially differ over what should be done.⁵⁶ After we are “open” to other people’s concerns, then what? We may still disagree, so female ethics leave us adrift in the ethical waters without a rudder or a wind. By contrast, those who adopt the principles of a dialogical ethic are able to build consensus and to arrive at a good resolution of the problem or crisis they are confronting. The dialogical approach offered here is thus not simply a theory of discourse. It truly is a practical ethic capable of providing for non-arbitrary, mutually acceptable resolutions of problems.

In all of these ways, then, dialogical ethic both builds upon and strengthens female ethics’ claims. However, insofar as the ethic appeals to principles, it bears a certain resemblance to “male” ethics. Does the dialogical ethic qualify as “female” then or not? I am inclined to reply along the following lines: while “female ethics” is a convenient rubric for grouping certain concerns of women ethicists—including many of my own worries—no philosopher of whatever gender should lose sight of the fact that the rubric is just that—a rhetorical category. The dialogical ethic I defend is “female” and “feminist” insofar as it insists upon giving women the opportunity to voice their own concerns, upon attending to the concerns of women writing about ethical matters, and upon identifying various oppressive strands within ethics of trust, empathy and care. But not all thoughts or ethics will fall neatly within either the “male” or “female” category. Nor should we forget that sometimes the contrary

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(read: “female” ethics) of an error (read: “male” ethics) is not the truth but another error. In the final analysis, I am less concerned as to how the dialogical approach is labeled and more concerned whether other people will find it persuasive. This book is my attempt to engage both men and women in a conversation seeking to find a thoughtful and critical, yet open, way of being an individual in a community of individuals. If we are to hear those among us who speak in a different voice, we need a different ear. We require a discerning way of listening capable not only of attending to the plurality of perspectives in our human community but also of assessing their truth and relevance to the good life.

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