

CHARACTER AND ETHICS:
AN EPISTEMOLOGICAL INQUIRY WITH PARTICULAR
REFERENCE TO LAWRENCE KOHLBERG'S
COGNITIVE THEORY OF MORAL DEVELOPMENT

by



David J. Shawver

A thesis
submitted to the Faculty of Graduate Studies
in partial fulfillment of the requirements
for the degree of
Doctor of Philosophy

McGill University
Montreal, Quebec

June 1979



ABSTRACT

Lawrence Kohlberg believes that justice as fairness is the key concept of moral reasoning. Justice as fairness is identified as the ideal form of the good. In making this identification, Kohlberg claims that he is operating in the traditions of Jean Piaget and John Rawls.

It is my belief that Piaget and Rawls represent incompatible traditions. By claiming to know the ideal form of the good, Kohlberg departs from the pragmatic-constructivist tradition of Jean Piaget. His claim also leads him to overlook the philosophic and other evidence that there are major alternative conceptual organizers in the moral domain.

Following Piaget's lead with respect to natural logic, I suggest moralities can be grouped according to their assumptions of relational and classificatory equality/inequality. The self can be favored in exchanges, treated the same as others, or subordinated to others. The relational dimension is represented in its respective variations by the moralities of rational egoism, justice as fairness, and responsible love. The classificatory dimension is represented by the morality of purity connected to the caste system in India.

I also take issue with Kohlberg's convention-oriented definition of morality. The moral is a matter of intentionally-

chosen rules and goals of behavior. Moral maturity is a matter of the development of perspective. In the pursuit of the good, we construct our characters by devising increasingly adequate rules of behavior.

SOMMAIRE

Lawrence Kohlberg croit que la justice entendue en toute équité est le concept fondamental du raisonnement moral. La justice entendue en toute équité est perçue comme la forme idéale du bien. En définissant ainsi la justice Kohlberg se réclame des idées de Jean Piaget et de John Rawls.

Je soutiens que les idées de Piaget et de Rawls sont inconciliables. En prétendant connaître la forme idéale du bien, Kohlberg s'écarte de la tradition pragmatique-constructiviste de Jean Piaget. Il est ainsi poussé à négliger ce qui, philosophiquement, est évident à savoir que dans le domaine de la morale il y a d'autres concepts organisateurs importants.

Suivant les idées de Piaget en ce qui concerne la logique naturelle, je soutiens que les théories morales peuvent être groupées selon leurs prémisses d'égalité et d'inégalité appliquées aux relations humaines et aux diverses classifications. Une transaction peut avantager le soi ou le traiter sur le même pied que les autres ou le subordonner aux autres. Ce qui caractérise la relation dans ses diverses variations ce sont d'abord l'égoïsme justifié, puis la justice entendue en toute équité, enfin l'amour responsable. En ce qui concerne les classifications, elles sont illustrées par la morale de la pureté associée au système des castes dans l'Inde.

Enfin, je conteste la définition que Kohlberg donne de la morale liée aux conventions. Le fondement de la morale ce sont des règles et des objectifs de comportement choisis intentionnellement. Devenir capable de percevoir le point de vue d'autrui donne la maturité morale. Dans la poursuite du bien, nous bâtissons notre caractère en construisant des règles de comportement toujours plus adéquates.

TABLE OF CONTENTS

	Page
LIST OF TABLES	viii
PREFACE	ix
INTRODUCTION	xv
Endnotes	xxiv
 CHAPTER	
I. RELATIVISM AND ETHNOCENTRISM	1
a. The Perils of Ethical Relativism and Ethnocentrism	3
b. Cultural and Ethical Relativism Distinguished	21
c. Ethical and Epistemological Relativism Distinguished	26
d. Kohlberg, Relativism and Ethnocentrism . .	29
Endnotes	42
 II. KOHLBERG AND INTUITION	45
a. Two Views of Intuition	48
b. Intuition and Context	66
Endnotes	76
 III. STRUCTURALISM, FORMALISM, AND NATURAL LOGIC	78
a. Natural and Formal Logic	82
b. Intuition, Copy Theories and the Simple .	93
c. Schemes and Family Resemblances	102
d. Mental Structures: Forms or Families? . .	111
e. The Natural Logic of Moral Judgment . . .	130
Endnotes	139
 IV. THE PRINCIPLE OF JUSTICE AS FAIRNESS	144
a. Character Traits, Principles, and Central Organizing Concepts	146
b. Defining the Good and the Stages of Justice	157
c. Kohlberg and the Definist Fallacy	175
Endnotes	180

CHAPTER		Page
V.	ALTERNATIVE MORALITIES: JUSTICE AS FAIRNESS AND RESPONSIBLE LOVE	185
	a. Reflective Equilibrium and Equilibration	192
	b. Reversibility	204
	c. Justice and <u>Agapē</u>	217
	d. Rights and Responsibilities	231
	Endnotes	244
VI.	ALTERNATIVE MORALITIES: RATIONAL EGOISM	250
	a. Constraints and Entitlements	254
	b. Nozick and Rational Egoism	267
	c. <u>Homo Hierarchicus</u>	282
	d. Alternative Moralities and the Moral	305
	Endnotes	309
VII.	A DEFINITION OF THE MORAL	313
	a. The Premoral	320
	b. Moral Origins: Convention and Competence	331
	c. Perspective-taking	340
	d. Verbal and Non-Verbal Moral Behavior	353
	e. Reflective Abstraction	362
	f. Redefining Moral Development	367
	g. Some Benefits of an Improved Definition	382
	Endnotes	392
VIII.	CHARACTER AND ETHICS	400
	a. The Structural	404
	b. Ethics as the Construction of Character	413
	c. The Contextual	425
	d. Survival and Adequation	439
	Endnotes	450
	EPILOGUE	454
	BIBLIOGRAPHY	462

LIST OF TABLES

TABLE	Page
I. Lawrence Kohlberg's Definition of Moral Stages	32
II. Fact and Opinion	71
III. Two Models of Stage Advance	122
IV. Lawrence Kohlberg's Six Moral Stages	347
V. Towards a Redefinition of Moral Development in the Social Domain	380

PREFACE

This dissertation is a testimony to the inspiring work of two persons in particular, Jean Piaget and Lawrence Kohlberg. Both are recognized scholars in the field of developmental psychology. However neither has found it possible to study the development of human intelligence without a knowledge of and asking questions relevant to a range of disciplines. Jean Piaget has explicitly recognized his crossing of presently-accepted disciplinary boundaries by calling his field of endeavor "genetic epistemology." Piaget believes that there is much to be learned about the nature of our knowledge by studying its origin.

My primary interest is in ethical epistemology or the nature of our knowledge of the good. In the absence of a separate discipline of genetic epistemology in North American universities, this dissertation is being presented to a Faculty of Religious Studies. I believe that this is fully justified in that study of the religious dimension involves study of that to which we "bind" (religare) ourselves. Our ethical premises are in one sense religious.

Consideration of the links between the ethical and religious is outside the scope of this dissertation. However

of great importance to this dissertation are the differences among disciplinary languages. The disciplinary languages of developmental psychology, philosophy, and religious studies are all found in this dissertation. This mixture of languages may represent as great a problem to the reader as it did to me in the writing of the dissertation. The problem is not so much in what is explicitly stated. What I say is to be judged by the same stringent criteria of consistency, coherence, and relevance to which all scholarly works are subject. The problem is the tacit knowledge connected to disciplinary languages. Issues considered central in one discipline are not always so considered in another. Also the manner of approach varies. My plea here is for special understanding and sympathy. Another five hundred pages could be easily added to this dissertation. In fact, some close approximation of that existed in earlier versions.

Another complicating factor of which the reader should be warned is the relative inaccessibility of some of Lawrence Kohlberg's most important work. Kohlberg has published a large number of articles. Some are almost of book length. Yet some of his most important work has been only privately published and distributed. Works by Kohlberg cited in my endnotes and bibliography which are privately published usually can be obtained from the following address:

Center for Moral Education
Third Floor
Roy E. Larsen Hall
Harvard University
Cambridge, Massachusetts 02138.

The different versions of the scoring manual which have been published over the years usually cannot be so obtained. They can be gotten primarily from researchers connected with Kohlberg at one time or another.

I particularly caution the reader to note the entire endnote or bibliographic citation. In the last several years Kohlberg has rewritten some of his most important articles. Important, new discussion has been added. Yet the titles have not always been changed to indicate the newness of the version. The most significant example of this is Kohlberg's "The Claim to Moral Adequacy of a Highest Stage of Moral Judgment." An article appearing under this title was published in The Journal of Philosophy, Vol. LXX, No. 18, October 25, 1973. In 1978, Kohlberg privately distributed an article almost double in length under the same title. As this second version contains Kohlberg's most extensive reflections on the parallels between John Rawls' work on justice as fairness and Piaget's work on natural logic, I refer to it frequently.

It has been written:

What has been is what will be, and what has been done is what will be done; and there is nothing new under the sun. Is there a thing of which it is said, "See, this is new?" It has been already, in the ages before us.
(Ecclesiastes 1: 9-10, R. S. V.)

The person who first wrote or said this likely thought that he was saying little that was new. If it had not been said in just these words, it was likely contained by implication in the thinking of others. This is how I have often felt in the writing of this dissertation. I have little to say that I do not see contained directly or by implication in the thought of Jean Piaget, Lawrence Kohlberg, and others. Yet the fact that the implications have not always been drawn (and sometimes their opposites have been) indicates that I may have something new to add. It is also in keeping with a constructivist epistemological tradition to think that reworking and reformulating even what is well-known can lead to new insights and knowledge.

In recognizing the dependency of my thinking on others, two individuals particularly should be mentioned. One is Thomas J. Erwin who introduced me to the work of Piaget and Kohlberg more than a decade ago. Although he died before this dissertation was conceived, his influence is there in the questions asked and material considered. The second individual is Dr. Gerald H. McKay of McGill University. Over four years, Dr. McKay has spent many hours of his time reading, discussing, constructively criticizing, and making helpful suggestions

about what I have written. He has also given me help and encouragement when it was sorely needed. Without him, I doubt that this dissertation would have been completed.

I also wish to thank Drs. Jeremy Walker and J. A. Boorman of McGill University for reading preliminary drafts of portions of this material. Both made helpful criticisms and useful research suggestions.

Many individuals have aided me during the time when I was writing this dissertation either by discussing topics relevant to the dissertation or encouraging me in my scholarly pursuits. These individuals include Dan Jaquette of Harvard University, Dorothy Dixon of the University of Missouri at St. Louis, Charles Speel and J. Stafford Weeks of Monmouth College, and Peter Gibson formerly of S.U.N.Y at Albany. A special note of thanks is owed my wife Amy and my parents Dr. Ben and Jean Shawver for their support and encouragement throughout my graduate career.

I also wish to recognize the contribution of Ms. M. Solomon who typed this dissertation. She is the person who did the prodding which helped me complete this dissertation close to my deadline. Skillful and efficient, she invariably had to wait for me, not I for her. Her stylistic suggestions have also been appreciated.

Finally I wish to caution the reader about the disputational tone of this dissertation. It may seem at times as if I am continually being critical of the work of Lawrence Kohlberg and his closest collaborators. An incautious reader could conclude that I see little of worth in Kohlberg's work. Just the opposite is in fact the case. I believe that Kohlberg and his colleagues are doing some of the finest and most interesting work in the study of the moral today. This dissertation is intended as a contribution to that work. My suggestions for improvements in Kohlberg's definition of the moral are submitted with the conviction that his definition represents a "base line" or standard in moral development research. By critically assessing Kohlberg's contribution, I hope to build on it and thereby advance our understanding of the moral domain.

INTRODUCTION

The general aim of this dissertation is to contribute to the ongoing investigation of moral judgment and behavior by making suggestions as to how Lawrence Kohlberg's definition of the moral can be improved. Lawrence Kohlberg has defined the moral in terms of a verbal understanding of justice as fairness. This definition has been both drawn from and affected by his investigations of how people develop morally. I intend to suggest that this definition is inadequate. By making definitional improvements, I believe that moral judgment and behavior can be more adequately investigated and understood.

Lawrence Kohlberg identifies the concept of justice as fairness as the ideal form of the good. In doing so Kohlberg claims that justice is the measure by which all moral reasoning is to be judged. This claim has been termed ethnocentric by those who study other cultures. Kohlberg has responded that identifying justice as the ideal form of the good is not ethnocentric, but a denial of ethical relativism. Kohlberg has challenged those who would criticize him as ethnocentric to suggest alternative moral principles which are as philosophically valid as justice as fairness. He has recently written:

Our theory is criticized as being an ethnocentric Western liberal's theory. But a criticism of our theory or any other is based on some culturally conceived principle of objectivity and non-bias. I would ask critics of the moral development theory to outline principles which are neither "Western liberation" nor "western Marxism," but which are ideally conceived.¹

I shall try to meet Kohlberg's challenge in this dissertation.

Ethnocentrism and ethical relativism are the twin perils faced by any investigator of the moral domain. The ethnocentric investigator arbitrarily judges what he finds by his own cultural standards. The ethical relativist denies the existence of objective standards by which the moral can be judged. In both cases, the basis for an objective, rational explanation of moral judgment and behavior is absent.

Kohlberg's critics accuse him of ethnocentrism. He, in turn, accuses them of holding the relativist assumption.² In Chapter I, I shall attempt to advance the discussion by pointing out that a prior question to 'What is the good?' is 'How can the good be known?'. The answer Kohlberg gives to this prior question is by "philosophical knowledge or intuition of the ideal form of the good."³

In Chapter II, I shall consider Kohlberg's appeal to intuition as an epistemological source. In the absence of an explicit discussion by Kohlberg of the nature of intuition, I shall look at what others in his tradition say. Kohlberg

believes that he is operating in the traditions of the genetic epistemologist Jean Piaget and the ethical philosopher John Rawls in his study of moral understanding. He suggests that he is following Piaget in identifying justice as the logic of moral reasoning and Rawls in identifying justice as fairness as what is affirmed by moral judgment in reflective equilibrium.

I shall suggest in this second chapter that Jean Piaget and John Rawls represent incompatible philosophic traditions. Jean Piaget is a pragmatic-constructivist while John Rawls is a deontological-intuitionist. It is my belief that Lawrence Kohlberg has not recognized the important differences between these philosophic traditions. By claiming to intuit the ideal form of the good, Kohlberg departs from the pragmatic-constructivist tradition of Jean Piaget. Following Piaget, I shall argue that intuition does not constitute an epistemological source of special power. Evaluation of claims about the nature of reality cannot be properly handled without reference to evidence or context. At its worst, an appeal to intuition can constitute an appeal to prejudice.

In Chapter III, I shall consider Kohlberg's notion that there is an ideal form of the good to be intuited. Reasons shall be offered for thinking that formalist epistemological assumptions are inadequate. Forms of understanding are constructed by interaction between the knower and the known.

Except for ideal languages such as mathematics (which asserts nothing about the nature of the real world), our linguistic and other cognitive tools remain conformed to particular experiences. Accordingly, I shall suggest that all claims concerning the ideal form of the good should be regarded as tentative.

Kohlberg interprets Piaget's structuralism as formalism. In my third chapter, I shall suggest that this is an erroneous, although common interpretation. Piaget's use of mathematical representation in his discussion of mental structures gives rise to this misinterpretation. Piaget also at times does tend towards formalism. But his formalist tendencies are subordinated to an epistemological relativism. His use of mathematical representation is metaphorical and suggestive more than rigorously assertive. Particularly his notion of mental structure draws on a biological, not a mathematical background. Biological structures are adaptive. Mathematical structures are not. It is Piaget's view that mental structures arise from interaction with the environment and remain conformed to it. Therefore mental structures need to be studied as biological structures are. Piaget seeks to write a natural logic of judgment, not a formal logic.

In Chapter IV, I shall consider Kohlberg's contribution to the writing of a natural logic of moral judgment. Kohlberg

believes that moral judgment is structured by the concept of justice. A person's conception of justice determines his judgment across a range of issues. An individual's conception of justice however does not remain constant. In the achievement of moral maturity, justice is understood in six different and increasingly adequate ways. The first five ways involve definitional inadequacies which produce cognitive conflict. This cognitive conflict is the motor of development. Only at the highest stage is there adequacy of definition and cessation of conflict. Kohlberg believes that moral reasoning at this stage rests on the assumptions that all persons are of equal dignity and have a right to equal treatment. Kohlberg believes that this justice conception is the ideal form of the good.

In Chapter V, I shall consider Kohlberg's claim that justice as fairness is the ideal form of the good. Kohlberg makes this claim on the basis that the principle of justice as fairness alone produces judgments in equilibrium. I shall suggest, following Piaget, that the equilibrium of any judgmental structure (excluding ideal languages) cannot be determined solely according to its formal properties. Rather both the formal properties and the particular environment require consideration. For instance, the worth of justice-as-fairness conceptions depends on their existence in the context of a well-ordered society based on justice principles.

Following Piaget's lead with respect to natural logic, I shall suggest that moral principles can be grouped according to their assumptions of classificatory and relational equality/inequality. When all persons are classified or considered as equal in dignity, there is still the question of treatment. The self can be favored in exchanges, treated the same as others, or subordinated to others. This relational assumption is represented in its respective variations by the moral principles of rational egoism, justice as fairness, and responsible love.

In the writing of a natural logic of moral reasoning, the question of how people actually reason is considered as central as how they could. I shall suggest that these three moralities are significantly represented in Euroamerican society. Kohlberg's own work is proof of the importance of justice as fairness. In this fifth chapter, I shall refer to Christian teaching and the work of Carol Gilligan as providing evidence for the existence of a morality of responsible love.

In Chapter VI, I shall consider the morality of rational egoism. Rational egoism is a morality of the marketplace where the self is considered the best judge and protector of its own interests. Robert Nozick in his Anarchy, State, and Utopia has given perhaps the best contemporary defense of rational egoism in Euroamerican society. I shall examine this work in

some detail.

In order to give some sense of what is involved in crossing major cultural boundaries, I shall look briefly, in my sixth chapter, at what may be the dominant underlying morality of caste society in India. It is a morality of purity. Purity is an inherently hierarchical concept. The pure must be separated from the impure. In Indian caste society, this moral principle is tied to a segmentary social system. An individual receives his identity from the group into which he is born. Accordingly the morality underlying Indian caste society is a classificatory morality. Exchanges and social relationships are based less on individual than group identity.

In Chapter VII, I shall attempt to redefine the moral. At the present moment, Kohlberg's theory is vitiated by the lack of empirical representation of the highest stage of moral judgment. As this is the only stage of judgment for which rational adequacy can be claimed, this lack is highly troublesome. A possible conclusion is that very few people reason in a rationally adequate manner about the moral. An alternative conclusion is that Kohlberg has not satisfactorily defined moral maturity, i.e. the highest stage of moral development.

I shall suggest that Kohlberg's definition of the highest stage of moral judgment exclusively in terms of

justice as fairness is a major reason for its lack of empirical representation. Another reason is Kohlberg's orientation to convention in his definition of the moral. Kohlberg's moral stages are presently grouped in three levels, the pre-conventional, conventional, and postconventional or principled. I shall propose that they should be grouped in terms of two levels, the concrete and the abstract. Development in the moral domain follows a fundamental rhythm of an absolutizing, relativizing, and idealizing of perspective. The higher stages constitute a reconstruction of the lower stages on the abstract level. I believe that when both these improvements are made, a sufficient number of morally mature persons will be found to establish the relevance of a highest stage of moral judgment.*

In Chapter VIII, I shall briefly touch on a number of issues which arise from the recognition that there is a diversity of ethical principles or strategies of action in the moral domain. A central question is at what point in development do the different moral strategies truly represent alternatives? I shall suggest that the concrete thinker is likely too much

* Specifically, much reasoning presently scored at Stage 4½ is really Stage 5. The common factor is the relativizing of the notion of the good. Much reasoning presently scored at Stage 5 is really Stage 6. The common factor is the idealizing of the notion of the good.

influenced by immediate, external indicators of the good for any consistent adherence to one of the moral strategies.* At the abstract level, an individual has the cognitive tools to consistently base his actions on self-chosen premises. This consistent following of a moral strategy based on self-chosen premises constitutes a construction of character. The study of ethics, in my view, is nothing other than the study of the construction of character.

Other questions to be briefly examined include the relationship of moral strategies to context and the figurative mode to the active. I shall also reconsider the problem of ethical relativism. I shall interpret the issue of ethical relativism as linked to the demand of the abstract thinker for consistency. In a world of limited knowledge, this demand cannot be entirely satisfied. Only a criterion as general as that of equilibrium can serve as an objective standard by which all ethical systems can be judged. And even this criterion is ambiguous. At the minimum, survival of the ethical system is involved. At a more robust level, the differentiation, integration, and openness of the ethical system is involved.

* Consequently only the scoring of Kohlberg's higher stages of moral judgment may need to be revised if my suggestions for definitional improvement are accepted.

In my Epilogue, I shall suggest directions for further research. My findings are analytical and tentative. Empirical research is needed to confirm the worth of distinguishing among the different strategies. Such research can also establish the degree and point at which they become alternative strategies in individual development. The relationship of strategy to context requires investigation. Finally I shall suggest that research across major cultural boundaries needs to begin again. This time there should be more regard for the indigenous moral language. Only in this way can the moral domain be mapped in all its complexity.

D.J.S.

ENDNOTES

¹ Lawrence Kohlberg, "Foreward," in Readings in Moral Education, ed. by Peter Scharf (Minneapolis: Winston Press, Inc., 1978), p. 15, Note.

² Ibid.

³ Lawrence Kohlberg, "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development," in Cognitive Development and Epistemology, ed. by T. Mischel (New York: Academic Press, 1971), p. 232.

CHAPTER I

RELATIVISM AND ETHNOCENTRISM

Investigators of the domain of moral behavior sooner or later face the problem of relating the descriptive to the normative. Long before the range of moral behaviors can be completely catalogued, the question arises as to the significance of what is found. Can some moral behaviors be labeled as more central than others, or must all be treated the same? Labeling some as more adequate or central tends to highlight these behaviors at the expense of others. On the other hand, refusal to label disallows any attempt to get at the dynamics underlying the behaviors.

The dangers are twofold. The investigator who wishes to discover the underlying dynamics of moral behavior is likely to point to the dangers of ethical relativism. Ethical relativism is the denial that there can be any common measuring stick of moral behavior. The diversity must be accepted in its own terms. No behavior is better or worse, more adequate, or more central than any other. This view not only paralyzes moral action (choice between behaviors being arbitrary). It also paralyzes scientific investigation as nothing more than description can be hoped for. Those who wish to explain moral behavior rightly reject any simple denial of the propriety of

grading moral behavior.

The opposite danger from ethical relativism is ethnocentrism. In the attempt to say what is central to moral behavior, it is easy to use that most available measuring stick, the investigator's own cultural preferences. The diversity of moral behavior is made manageable and explicable by ordering it according to the investigator's cultural standards. However it is correctly objected that the basis of such a measure is arbitrary. Something less arbitrary is needed.

The dangers of ethical relativism and ethnocentrism are often cited in discussions involving Lawrence Kohlberg and his theory of moral development. Kohlberg in his attempt to explain moral behavior focuses on the dangers of ethical relativism. He identifies justice as fairness as the common measure by which all moral behavior can be validly judged. His critics respond that this identification is ethnocentric. They charge that Kohlberg wrongly claims universal validity for his own moral preferences. But if justice as fairness is not the correct measure, then what is? In the absence of attractive alternative measures, Kohlberg believes that the argument against ethical relativism supports his identification of justice as fairness as the valid common measure.

I agree with Kohlberg that there is a need for a common

measuring stick if the underlying dynamics of moral behavior are to be understood. I agree with Kohlberg's critics that the dangers of ethnocentrism are very great in the explanation of moral behavior. A help to inquiry may be to distinguish between ethical and epistemological relativism. In my view, our ability to know the standard by which all moral behavior is to be judged may not equal our need to know. Investigators can only make their best judgments in specific contexts and then await the results of further investigation to decide the adequacy of particular measures. By highlighting the open-ended nature of understanding, I hope to lay the basis in this first chapter for recognizing the diversity of moral behavior without sacrificing what is necessary for explanation.

a. The Perils of Ethical Relativism and Ethnocentrism

Lawrence Kohlberg describes himself as holding a view of the nature of virtue like that of Socrates and Plato.

Kohlberg presents this as follows:

First, virtue is ultimately one, not many, and it is always the same ideal form regardless of climate and culture.

Second, the name of the ideal form is justice.

Third, not only is the good one, but virtue is the knowledge of the good. He who knows the good chooses the good.

Fourth, the kind of knowledge of the good which is virtue is philosophical knowledge

or intuition of the ideal form of the good, not correct opinion or acceptance of conventional beliefs.¹

Whatever the genesis of this view, none of the points find unquestioned or even easy acceptance in today's world. In the face of the complexity and diversity of the world, assertion of an ethical unity, even an ideal unity, seems difficult to sustain. Yet Kohlberg's very appeal may be considerably based on his assertion of such a unity. By showing that children and young adults develop moral reasoning in a predictable and progressive manner, Kohlberg's research provides a data base indicating some orderliness in the moral world.

Ethical relativism is a primary foil for Kohlberg.* Ethical relativism is the thesis that "there are conflicting ethical opinions that are equally valid."² It is a thesis which is not without supporters, particularly among social scientists. However it is a thesis whose detailed articulation is provided as much by opponents as by proponents. This is

* Another is what Kohlberg has termed the "bag of virtues" approach and associated with traditional education where Kohlberg finds more moralizing than moral development occurring. However it should be noted that Kohlberg's views concerning the indoctrinative approach of traditional education may have recently altered. See his article "Revisions in the Theory and Practice of Moral Development," New Directions in Child Development, No. 2, 1978, pp. 83-87.

perhaps because the thesis has a very apparent initial weakness. It is quite difficult to function as an active ethical agent and still seriously maintain the equal validity of conflicting ethical opinions.

R. M. Hare, reasoning from the sentence 'It's all a matter of taste; let's agree to differ', points out that this is "only possible when we can be sure that we shall not be forced to make choices which will radically affect the choices of other people."³ If we have to decide how to outfit a raft for a journey, share a kitchen, or whether to permit legal gambling, then choices have to be made in a manner that excludes putting all options on an equal footing. Selecting one option means eliminating or downgrading another. The act of deliberate choice necessarily employs some grading mechanism that denies the equal validity of conflicting options.

The requirements of human action are such that it is seemingly impossible to lead one's life consistently as an ethical relativist. Action continually operates to eliminate alternatives. If all alternatives are of equal value, then choice could only proceed on an entirely arbitrary and random basis. Yet our experience of choice is that it proceeds in an anything-but-random manner. We are selective and operate according to principles of selection. As C. L. Stevenson writes:

. . . it would be impossible to live by relativism. A consistent relativist, when asked what is good, right, etc., would in effect discuss only what is or was considered good or right, etc., and thus would himself stand committed to no value judgments whatsoever. He would be a nonparticipant on evaluative issues--as no man, in practice, can be.⁴

We must choose in order to live. Our choosing this over that contradicts any assertion that we might attempt to make on the verbal level that conflicting ethical options are equally valid. Also insofar as we live in society and have to coordinate our choices with those of others, our actions contradict any assertion that conflicting ethical options are equally valid.

Kohlberg sees three basic fallacies as leading to relativism.⁵ The first fallacy is to reason from the fact of ethical diversity to the supposition that there are no universal values. As we have just noted, even if a person is able to hold the belief that there are values which are equal, he cannot behave as if they are. The second fallacy is to suppose that we shall be able to tolerate other ethical opinions only if we deny the existence of universal values. But this is to confuse the thesis that there are conflicting ethical opinions of equal validity with the proposition 'It is a valid moral principle to grant liberty and respect to any human being regardless of his moral beliefs or principles'. If tolerance is to be prescribed for everybody, then it at least must have

universal validity. The third fallacy is to think that scientific neutrality demands value neutrality and a resulting relativism. But this is to ignore the fact that the criteria of scientific objectivity are themselves prescriptions and face the same problem of justification and range of application as do ethical principles. Ethical principles are not necessarily any more or less biased than the principles by which we conduct scientific investigations. Both are subject to rational considerations.

If there is a level of discourse at which ethical relativism is a simplistic, contradictory, and uninteresting doctrine, still what we have said so far hardly begins our consideration. Kohlberg's assertion of an ethical absolute has had an impact in social science circles precisely because there is more that needs consideration. If human action dictates an ordering of alternatives, we still must wonder as to why there exist many areas of fundamental disagreement over what is to be preferred. In the attempt to understand human behavior, answers must be sought as to the source and nature of this diversity.

The question of ethical relativism is greatly accented in a period such as ours where the ethical diversity of the world cannot be easily denied or concealed. A McGill University

student has his wife abducted by her Algerian brother in order that she marry the person her family has selected.⁶ A Pakistani houseboy is caught stealing by his American employer and told to report to the local Saudi Arabian police. His American employer is astonished when he returns without a hand which has been cut off as punishment.⁷ Apostasy from Islam is considered a capital offense in Egypt.⁸ Such items which have the appearance of mere exotica when we are reading about them in the local press take on the appearance of normality when we reside in other cultures. Those who are immersed in other cultures, either for purposes of study or profession, often feel compelled to come to terms very quickly with this ethical diversity. Immersion in a radically different culture can operate very quickly to undermine the notion that everywhere human beings have pretty much the same inclinations and ethical standards. What is tacit in one place is often exotic in another.

Ethnocentrism is "the point of view that one's own way of life is to be preferred to all others."⁹ We are ethnocentric when we do not appreciate the values contained in other ways of living. Dress, dietary habits, forms of politeness, aesthetic preferences, etc. seem arbitrary to many people. As we come to appreciate how others eat, dress, and live, we easily come to feel that our customary ways are not really

better. They are just different. Different dress, diet, life styles, etc. can become very enjoyable as new values are appreciated. If a person is unable to appreciate differences and insists that there is only one proper way to live, then the charge of ethnocentrism can be laid. This charge is often derogatory because of the feeling that a person should be able to at least imaginatively appreciate the ways of others, if not participate himself.

If we recognize the failings of both ethical relativism and ethnocentrism, at least in the forms in which they have so far been articulated, then the question arises as to where one leaves off and the other begins. Is it ethnocentric to oppose marriage customs that require the bride to follow the wishes of her family? Is donning a veil in a country where women are given limited social roles a form of ethical relativism when you believe in the equality of sexes? These are questions that confront a person on a daily basis when he or she moves between cultures. They also provoke social scientists to offer opinions as to what is relative to culture and what are universal ethical standards.

An extreme opinion on this matter was offered in the 1940's by the anthropologist Melville Herskovits. He believed that virtually all basic ethical opinions are culturally

determined. Claims of moral correctness across major cultural boundaries are almost totally ethnocentric. Only prescriptions such as tolerance for other cultures and resistance to imperialism perhaps have universal validity. Because of these views, Herskovits is considered a major proponent of relativism.¹⁰

These views are particularly noteworthy because they were offered in a statement authored by Herskovits on behalf of the executive board of the American Anthropological Association for submission to the commission that was drawing up the Universal Declaration of Human Rights for the United Nations. Herskovits and the executive board asked the commission to be mindful of three propositions in drawing up the Declaration. They are:

1. The individual realizes his personality through his culture, hence respect for individual differences entails a respect for cultural differences.
2. Respect for differences between cultures is validated by the scientific fact that no technique of qualitatively evaluating cultures has been discovered.
3. Standards and values are relative to the culture from which they derive so that any attempt to formulate postulates that grow out of the beliefs or moral codes of one culture must to that extent detract from the applicability of any Declaration of Human Rights to mankind as a whole.¹¹

At first glance these three propositions seem to voice no more than a cautionary note. The clincher comes when we

recognize that our models for the Declaration, such as the American Bill of Rights, derive from a single cultural context. Yet the Declaration is to have universal applicability. If we are not to frustrate vast numbers of human beings, we must recognize that a person is "free only when he lives as his society defines freedom, that his rights are those he recognizes as a member of his society . . ."¹² Variability of societal definition of freedom, justice, property, etc., means that any declaration of specific human rights runs a heavy risk of ethnocentrism.

Herskovits is unquestionably a relativist.* But is Herskovits a relativist in the way so far described? Does he mistakenly reason from the fact that there are ethical conflicts to the conclusion that there are no final universal determinants of right and wrong? Does he think that ethical conflicts are just matters of taste to be resolved by mutual

* The label of relativism in ethics can be a bar to understanding. As R. B. Brandt has noted, philosophers "generally apply the term to some position that they disagree with or consider absurd, seldom to their own position . . ."¹³ So we are dealing with a term often used for derogation. R. B. Brandt has also suggested that relativism not be considered the alternative to "some kind of dogmatic and unreasoned position, or at least one advocating, as true absolutely without exception, simple moral principles like 'One must never lie' or 'One must never steal'."¹⁴ Reduction of the discussion to a choice between an unsophisticated relativism or a dogmatic absolutism is not what is aimed at in this dissertation.

agreement to differ? Or are his views more complex than this?

I think that we shall need to answer that Herskovits' views are more complicated than a simple identification of him as an ethical relativist (according to the criteria so far given) would indicate. Herskovits does not so much reason from the fact that there are basic ethical conflicts in the world, as from why he believes that there are. Honest consideration of his position requires that we look at his explanation of the nature of ethical disagreement.

The question of polygamy versus monogamy can help to illustrate what Herskovits means by objectively virtually unresolvable ethical conflict.* Quite apparently we who live in

* Herskovits, as many anthropologists do, likes to reason from concrete examples of cultural differences. This is not, or not simply, because he is reasoning from the fact of ethical disagreement. It is because many opponents of ethical relativism try to reason about complex matters as if they are cases of simple preference. Take for example, W. T. Stace's representation of the case of ethical relativism. According to Stace, the ethical relativist claims:

. . . the whole notion of progress is sheer delusion. Progress means an advance from lower to higher, from worse to better. But on the basis of ethical relativity, it has no meaning to say that the standards of this age are better (or worse) than those of the previous age. Thus it is nonsense to say that the morality of the New Testament is higher than that of the Old. And Jesus Christ, if he imagined that he was introducing into the world a higher ethical standard than existed before his time, was merely deluded. . . . /

North America, even in this age of increasing serial polygamy (the taking of wives one after another rather than simultaneously), still frown on polygamy. We might want to argue that polygamy constitutes a form of disrespect towards women as persons. A husband could not hope to provide all of the needs

* (cont'd)

. . . on this view, Jesus Christ can only have been led to the quite absurd belief that his ethical precepts were better than those of Moses by his personal vanity. If he had only read Dewey, he would have understood that so long as people continued to believe in the doctrine of an eye for an eye and a tooth for a tooth, that doctrine was morally right; and that there could not be any point whatever in trying to make them believe in his new-fangled theory of loving one's enemies. . . . For the change which Jesus Christ actually brought about was merely a change from one set of moral ideas to another.¹⁵

This type of ad hominem argumentation is what concerns Herskovits. Stace makes no attempt to set the cultural context of the supposedly competing doctrines of an eye for an eye and loving one's enemies. What if it were established that the doctrine of an eye for an eye in a tribal society has a certain equivalency to Roman imperial authority in the time of Jesus, an authority Jesus did not openly condemn? Jesus' juxtaposition of the two doctrines (e.g. Mt. 5:38-48) has a specific societal and historical context. Until this is addressed, the meaning and implication of his views remain an open question.

Herskovits does not think that we have much capability of reasoning from an unbiased initial position about an ethical conflict. Rather as we reason about ethical problems, we attribute meanings and operate according to the biases of our culture. Anthropological example, by reminding us of diversity and the reasons for it, can hopefully mitigate the worst effects of our unavoidable ethnocentrism.

and companionship his several wives require. Also offspring may suffer from lack of paternal attention and increased sibling rivalry. Other reasons, e.g. resultant surplus of unmarried males, could also be offered. There is a case then that can be made against polygamy and in favor of monogamy. It is a case deeply rooted in Euroamerican ideas of respect for person and family structure. If the question of monogamy versus polygamy were to be decided by Euroamericans (excluding certain Mormon and other fringe groups), it would likely be decided in favor of monogamy.

However in a West African context the question might well go the other way.¹⁶ In Dahomey, economic advantages accrue to plural families. Wives make pottery, sell goods in the marketplace, and garden. They support each other through pregnancies and child-bearing. Even more important, we are told, is the increased prestige that a large family gains in Dahomean society. The advantages are such that wives will encourage their husbands to take extra wives and even contribute their earnings toward this purpose. Problems such as sharing the husband and living quarters are worked out through traditional cultural mechanisms. Dahomeans who are acquainted with European customs claim superiority for their system in that it gives wives the ability to space their children while

coping with the sexual needs of their husbands.*

We need not try to be at all comprehensive in our consideration of the question of monogamy versus polygamy. Even if it were found that since Herskovits did his ethnographic research Dahomeans had revised their opinions about the desirability of polygamy, we should still not need to inquire further. At the moment no particular thesis is being advanced as to why ethical opinions are held and what economic, cultural, psychological, and other factors effect their change. What is of concern is whether there is a basis for saying that Dahomean polygamy is more or less adequate morally than Euroamerican patterns of monogamy. If so, what is that basis?

Herskovits would argue that there is little or no basis. He would not argue this way simply because he recognizes the fact that Dahomean society approves of polygamy and Euroamerican society does not. He would say this because of his view of the nature of ethical preference. For Herskovits, the basis of individual ethical preference is enculturation. The individual is given his basic values by his culture at an early age. Even if at a later age he can consciously change certain of his values, he does this within the limits determined by

* Ethnographic reporting assumedly done before the advent of effective birth control.

his enculturation.

The difference between the nature of the enculturative experience in the early years of life and later is that the range of conscious acceptance or rejection by an individual continuously increases as he grows older. By the time he has reached maturity, a man or woman has been so conditioned that he moves easily within the limits of accepted behavior set by his group. Thereafter, new forms of behavior presented to him are in the main those involved in cultural change--new inventions or discoveries, new ideas diffused from outside his society about which, as an individual, he has to "make up his mind" and thus play his role in reorienting his culture.¹⁷

The cultural context of the individual as he matures shapes his preferences in a fundamental way. A Dahomean operates in a culture where polygamy is an accepted norm, not an aberration. The factors that make polygamy a favored form of marriage shape a Dahomean's understanding of what marriage is to be. If on some account, a Dahomean comes to oppose polygamy, it will be for fundamentally Dahomean reasons. Whatever cultural forces operate to decide the case between monogamy and polygamy, they will be cultural forces that work themselves out in the cultural context of Dahomey.

Speaking in this manner may seem to undermine the notion of a rational ethical universe. It would appear that Herskovits is putting forward the thesis that there are such things as "Dahomean reasons" Euroamericans couldn't understand,

and vice versa. But if well-intentioned Dahomeans and Euro-
americans cannot sit down, at least ideally, and present all
the reasons for and against polygamy and monogamy in such a
way as to arrive at a common opinion, then perhaps we are not
dealing with a matter of reason.

To a certain extent there are such limits on discussion.
However it is important to understand that these limits are not
presumed to belong exclusively to the ethical sphere. Encul-
turation affects and shapes the understanding in all spheres
of human experience. Herskovits notes that:

Even the facts of the physical world are
discerned through the enculturative screen,
so that the perception of time, distance,
weight, size, and other "realities" is
mediated by the conventions of any given
group.¹⁸

Herskovits believes that the symbol is primary in the
perception of the universe and the interpretation of experience.
We learn the use and meaning of symbols through our encultu-
ration. As symbols differ from culture to culture, so also
human understanding is varied. Reference to a common universe
is misleading insofar as the effect of the symbol on the in-
terpretation of reality is not sufficiently taken into account.
Surface similarities (the question of one or many wives) can
obscure fundamental differences (the various connotations of
"polygamy"). With approval, Herskovits quotes Ernst Cassirer

to the effect that:

. . . man lives in a symbolic universe. Language, myth, art and religion are parts of this universe. They are the varied threads which weave the symbolic net, the tangled web of human experience. . . . No longer can man confront reality immediately; he cannot see it, as it were, face to face. Physical reality seems to recede in proportion as man's symbolic activity advances. Instead of dealing with the things themselves man is in a sense constantly conversing with himself. He has so enveloped himself in linguistic forms, in artistic images, in mythical symbols or religious rites that he cannot see or know anything except by the imposition of this artificial medium. His situation is the same in the theoretical sphere as in the practical sphere. Even here man does not live in a world of hard facts, or according to his immediate needs and desires. He lives rather in the midst of imaginary emotions, in hopes and fears, in illusions and disillusion, in his fantasies and dreams.¹⁹

I suspect that this emphasis on the relativity of all knowledge, not just ethical knowledge, is one criterion which could serve to distinguish Herskovits' views. If there are limitations on the certainty of our knowledge of right and wrong, it is not because ethics is just opinion in contrast to our sure knowledge of the nature of the physical world. It is rather because there are limitations on the certainty of all of our knowledge. According to Herskovits, to overlook the impact of our symbols on our knowledge leads to ethnocentrism and bias in our pursuit of objective understanding.

Herskovits is an epistemological relativist. Saying

this however does not excuse Herskovits from the requirement of developing some notion of objectivity and articulating some conception of the rational. After all Herskovits is a man of science who believes in a rational world and at least a limited objectivity. This can be seen in his distinction between absolutes and universals.

We live in a rational ethical universe because there is a level at which a system of ethics must meet certain requirements and allow for objective, rational judgment, at least ideally. For instance, not all possible marital arrangements are on an equal footing. Both monogamy and polygamy meet the test on a societal scale of rearing the young and providing the stability necessary for the pursuit of other activities. If we cannot impartially decide between polygamous and monogamous marriage, we can decide between promiscuous and regulated sexual activity. The basic needs of all human beings provide the limits of cultural variation. Universals then are the cultural uniformities that "arise out of the similarities in the situations with which all human beings must cope, such as some kind of family to care for the young, or even some system of belief with which to achieve a sense of security in an otherwise overpowering universe."²⁰

Morality is a universal. Every human society requires

a system of morality to organize its interactions. Without morality human society would not be continued or be able to function. Possible moralities that did not function to meet the basic needs of society would be found to be inadequate and eliminated on that basis. But if the particular moral system enabled its society to meet the basic requirements of propagation, security, nourishment, etc., then it would have met the main objective tests that could be devised. Choice among systems of morality which met the basic requirements would be done primarily on an ethnocentric basis.

Each morality has its particular rules. Euroamerican society, for instance, places legal sanctions against polygamy. Various ethical considerations can be adduced against polygamy. Many Euroamericans would find these considerations to be decisive and accordingly condemn polygamy wherever it occurs. According to Herskovits, such people make their particular rule into an absolute. While Herskovits finds it quite appropriate that polygamy is condemned in a Euroamerican cultural context where for various reasons it may not function, he finds it ethnocentric to condemn it in a cultural context where it can be seen to function and is defended by those who practise it.

In sum:

Absolutes are fixed, and, in so far as convention is concerned, not admitted to have variation, to differ from culture to culture, from epoch to epoch. Universals, on the other hand, are those least common denominators to be extracted, inductively, from comprehension of the range of variation which all phenomena of the natural or cultural world manifest.²¹

Given this understanding, Herskovits condemns absolutist moral thinking. The ethical relativism he supports is one where considerable attention is given to cultural boundaries and cultural difference. Those who condemn polygamy out of hand or after some short consideration of how it would offend against Euroamerican notions of personhood or family structure, he would find ethnocentric.

b. Cultural and Ethical Relativism Distinguished

We need to sharpen our analytical tools if we are to make progress. Herskovits appears to be a relativist at the level of the specifics of moral systems supported by functioning cultures and not a relativist when it comes to considering the fundamental needs of human beings. If we stay with our original definition of ethical relativism as the thesis that there are conflicting ethical opinions of equal validity, we shall be caught in a terminological bind. Herskovits at the level of universals is not a relativist. His relativism is only that within a certain range of possibilities there is an equal validity of ethical opinion.

R. B. Brandt distinguishes between cultural and ethical relativism. He sees three proposals as central to relativism.

(1) The ethical judgments supported by different individuals or groups are often different and conflicting in a very fundamental way. (2) When the judgments of different individuals or groups disagree, there is not always any way of establishing some one of them as correct; on the contrary sometimes conflicting opinions are equally valid or correct. (3) People ought to live, or try to live, according to the moral principles they themselves espouse.²²

A cultural relativist would subscribe to the first proposal, while an ethical relativist would subscribe to at least the first two. This means that an ethical relativist is necessarily a cultural relativist, although the reverse is not true.

To make use of the distinction we need to clarify two points. First, what does it mean for ethical judgments to conflict in "a very fundamental way"? According to this, a Dahomean and a Euroamerican would not be in fundamental disagreement if they were disagreeing say, over the relationship between monogamy and adultery. If a Dahomean asserted that monogamy leads to increased adultery, this would be a factual matter susceptible to investigation and agreement. But if a Dahomean asserted that he could not really achieve his full "manhood" (personhood) without a plurality of wives and a Euroamerican disagreed, the disagreement would be of a different sort. It would not be susceptible to the same sort of

factual investigation and resolution. Hence fundamental disagreement occurs when "the principles we should have to take as a person's ethical premises, if we represented them as an ethical system"²³ disagree. A cultural relativist believes that fundamental ethical disagreement exists in the world.

Our second clarification concerns the establishment of judgments as correct or incorrect. Here Brandt has suggested that we use the analogy of scientific theory. A theory in science is well warranted when "there is a rational method for assessing theories and . . . the given theory stands up to assessment by this method."²⁴ In ethics we would need to assess the fundamental principles and decide whether they were equally well warranted by some rational method. Only if we found the fundamental ethical principles in disagreement to be equally valid, would we be ethical relativists.

This distinction between cultural and ethical relativism can become particularly useful if we consider Brandt's distinction as a two-step procedure. First we must articulate the fundamental ethical principles that are a person's ethical premises. When we have articulated his fundamental ethical premises as he would if he were setting them up as a deductive system, only then can we go on to judge correctness or incorrectness according to our central rational method. By saving the considerations of validity for this second step, we

can most effectively avoid the perils of ethnocentrism. Then we shall be dealing with ethical premises in the original terms that provide their full meaning. We do not introduce ethnocentric considerations along the way in the form of loaded language.

Seen in this way, the question of whether Herskovits is an ethical relativist becomes much more significant and the answer potentially much more sensitive and accurate. Herskovits is definitely a cultural relativist. He believes that there is fundamental disagreement between the ethical premises of a Dahomean and a Euroamerican. Since a Dahomean and a Euroamerican can differ in their fundamental ethical premises, there is little sense for them to try to decide e.g. the relative value of monogamy and polygamy. What seem to be common terms (monogamy and polygamy) actually have significantly different content when considered in the context of their cultures. But is Herskovits an ethical relativist?

I suppose that the answer here depends on our view of scientific theory (which is functioning as our analogue). If we believe that scientific theory is basically an open and continuing enterprise, then we need to deny that Herskovits is an ethical relativist. Herskovits' reluctance to decide between the specifics of particular moral systems is based on his view that we do not yet possess a valid technique of

qualitatively evaluating cultures. This is far different from saying that there is no such technique or that we are not presently working towards the establishment of such a technique. It is in keeping with a scientist's reluctance to identify present understanding with final truth.

On a practical level Herskovits cannot avoid the requirements of human action. He has to declare himself on specific moral issues as all human beings must. In this context he pleads for tolerance. In his review of past contacts between cultures, he sees abuses and ethnocentrism. Asked to declare himself concerning what are basic human rights at the time of the Declaration, he worries that he and anyone else in present circumstances will fall prey to a similar ethnocentrism. His response then is mostly in the negative, except for those points he feels cannot be delayed. They are the need for tolerance of cultural differences and the need to reject imperialism.²⁵

We might disagree with his lack of willingness to declare himself on specific moral issues. We might decide that whatever revisions will need to be made in the rational method for assessing ethical principles, there will never be a time when e.g. the assertion that there is a right to private property²⁶ is found to be lacking. But if we are impressed with the evidence of societies without our concept of private

property and fear that encouching our concept in a document is potentially damaging to those societies, then we might do well to follow Herskovits in his reluctance to be specific.

Herskovits does provide a beginning to the construction of a method for rationally evaluating cultures. But he stops at the exceedingly general level of requiring moral systems to meet the universal needs of propagation, security, nourishment, etc. Such minimal demands contribute little to a positive theory of value and provide cause for interpretation of Herskovits as an ethical relativist. However if we are to be fair to the scholarly work of Herskovits, we would do better to term him an epistemological relativist. As a scientist is reluctant to discard positive data because present theory cannot accommodate it, so Herskovits is reluctant to condemn ethical diversity because ethical theory cannot justify it. He moves carefully in the expectation that future explanatory schemes may reveal that what now appears to conflict fundamentally may actually represent justifiable options in moral behavior.

c. Ethical and Epistemological Relativism Distinguished

Epistemological relativism may seem to be little more than ethical agnosticism. Indeed there is considerable similarity. The ethical agnostic says that we cannot know what the good is. The epistemological relativist says that we may

not be able to know for certain what the good is, given a certain state of knowledge. However the importance of the epistemological relativist's qualifiers should not be underestimated. Assessing the limits of current understanding is far different from claiming that these limits will invariably hold. Formulations are to be evaluated in terms of their contexts and can be revised in the light of advances in understanding.

Discussions of ethical relativism often obscure the difference between knowing something and acting in terms of that knowledge. Ethical relativism and its opposite ethical absolutism both assume that it is presently possible to know whether there are conflicting ethical opinions of equal validity. Epistemological relativism is set off from the ethical variety as a response to a prior question. Epistemological relativism is concerned with the nature and limits of knowledge, not the requirements of action. It is quite possible to deny the equal validity of conflicting ethical opinions, i.e. ethical relativism, and still be uncertain as to which is correct or that there is even actually a conflict. The epistemological relativist orients to the context of the ethical formulation in attempting to judge its meaning. This contextual study may require no small amount of time when it

comes to ethical problems where major cultural traditions are seemingly in conflict. Deciding the meaning and implication of specific problems may mean unraveling the basic presuppositions of the cultures involved. The time for action often arrives well in advance of adequate understanding.

When the time for action arrives in advance of adequate understanding, the dilemma faced is between a practical ethnocentrism and a practical ethical relativism. The ethnocentric response arises because the values of one's own culture are most accessible and easily understood. What is known through past experience to have value is affirmed even though it may not be the correct response in the new situation. The response of ethical relativism arises particularly when a person is aware of the limits of his own understanding. Comparative cultural studies teach that what is outlandish and unacceptable in the context of one's own culture is not necessarily so in the context of another. Such teaching generates caution in the evaluation of claims. It is only when a reluctance to claim ultimate validity for one's own viewpoint is extended into a claim of equal validity for all viewpoints that humility becomes ethical relativism with all its faults.

The point of distinguishing clearly between ethical and epistemological relativism lies in Lawrence Kohlberg's renunciation of both. Kohlberg is neither an ethical nor an

epistemological relativist. He claims not only that there is a measure by which to evaluate properly all ethical opinions. He claims also to know with a high degree of certainty what that measure is. In my estimation, this latter claim requires close attention. It has the potential of stultifying research in the moral domain by identifying a present formulation of the good as final. Unless we recognize how little we know about what is ultimately valid, we risk being ethnocentric in our evaluations. Kohlberg justifies his identification in part by talking about the requirements of action. Yet scientific investigation of the moral domain requires no such finality of identification. I suspect that it is too early in the study of moral behavior for claims about the ultimate validity of any particular measure to be usefully made.

d. Kohlberg, Relativism, and Ethnocentrism

Lawrence Kohlberg believes that justice is "the ideal form of the good."²⁷ As such, justice is the common measure by which all moral behavior is to be judged. Judgments guiding actions which employ justice avoid relativism because justice ranks behaviors according to real worth. Explanations using justice as the common measure avoid ethnocentrism because justice is the ideal form of the good for all regardless of culture.

Kohlberg has a very specific understanding of the concept of justice. Justice's root and ordinary meanings carry little more content than that something is lawful or rightful. Kohlberg believes that more is required for a behavior to be considered just than that it be in accord with the law. Behaviors must be found to be fair according to a particular procedure. This particular procedure gives very specific content to Kohlberg's notion of justice.

According to Kohlberg, all human beings are to be considered equal in dignity and have the right to be treated equally.²⁸ Any moral behavior is to be evaluated as to its contribution to the equal treatment and respect of persons. In order to evaluate properly, the moral agent needs to blind himself to the identities of the persons involved in any social transaction. In this way, he can avoid unfairly favoring himself. Instead the positions to be occupied in the transaction receive the attention of the moral agent. For a transaction to be considered just, the moral agent must be willing to occupy any position in it. The aim of justice as fairness is to bring about a society in which all transactions would meet this procedural test.*

* It would be most correct to refer henceforth to Kohlberg's view of justice as "justice as fairness" with this particular procedure in mind. For reasons of economy, . . . /

Kohlberg recognizes that not all persons have the cognitive maturity necessary to reason according to this procedure. He has set about investigating the developmental steps leading to mature judgment. These developmental steps are six in number (Table I, p. 32). According to Kohlberg, they always occur in the same order, build on one another, individually organize the whole of a person's moral thinking at any one time, and are found universally regardless of climate or culture.²⁹

At the first step, a person orients to the commands of authority and the physical consequences of behavior. Then as he understands his own contribution to and the power over the formation of moral rules, he advances to the second step. Here he treats what satisfies his own needs as what is good. He bargains and makes agreements with others to achieve his purposes. Agreements reached are not very lasting as the bargaining is physically oriented and pragmatic. At the third step, the person conceives the good in terms of ideals, not bargains reached between persons. Labels, conformity to societal images, and the approval of others become very important. Good intentions are oriented to in moral judgment.

* (cont'd) . . . I shall not do so except in places where an alternate view of justice is presented. Normally I shall refer to Kohlberg's conception of the ideal form of the good simply as justice.

TABLE I

Lawrence Kohlberg's Definition of Moral Stages*Preconventional Level

At this level the child is responsive to cultural rules and labels of good and bad, right and wrong, but interprets these labels in terms of, either the physical or the hedonistic consequences of action (punishment, reward, exchange of favors) or in terms of the physical power of those who enunciate the rules and labels. The level is divided into the following two stages.

Stage 1

The punishment and obedience orientation. The physical consequences of action determine its goodness or badness regardless of the human meaning or value of these consequences. Avoidance of punishment and unquestioning deference to power are valued in their own right, not in terms of respect for an underlying moral order supported by punishment and authority (the latter being stage 4).

Stage 2

The instrumental relativist orientation. Right action consists of that which instrumentally satisfies one's own needs and occasionally the needs of others. Human relations are viewed in terms like those of the market place. Elements of fairness, of reciprocity, and of equal sharing are present, but they are always interpreted in a physical, pragmatic way. Reciprocity is a matter of "you scratch my back and I'll scratch yours," not of loyalty, gratitude, or justice.

Conventional Level

At this level, maintaining the expectations of the individual's family, group, or nation is perceived as valuable in its own right, regardless of immediate and obvious consequences. The attitude is not only one of conformity to personal expectations and social order but of loyalty to it, of actively maintaining,

* Source: Lawrence Kohlberg, "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development," in Cognitive Development and Epistemology, ed. by T. Mischel (New York: Academic Press, 1971), pp. 164-65.

TABLE I (cont'd)

supporting, and justifying the order, and of identifying with the persons or group involved in it. At this level, there are the following two stages.

Stage 3

The interpersonal concordance or "good boy--nice girl" orientation. Good behavior is that which pleases or helps others and is approved by them. There is much conformity to stereotypical images of what is majority or "natural" behavior. Behavior is frequently judged by intention--"he means well" becomes important for the first time. One earns approval by being "nice."

Stage 4

The "law and order" orientation. There is orientation toward authority, fixed rules, and the maintenance of the social order. Right behavior consists of doing one's duty, showing respect for authority, and maintaining the given social order for its own sake.

Postconventional, Autonomous, or Principled Level

At this level, there is a clear effort to define moral values and principles which have validity and application apart from the authority of the groups or persons holding these principles and apart from the individual's own identification with these groups. This level again has two stages, which are as follows.

Stage 5

The social-contract legalistic orientation, generally with utilitarian overtones. Right action tends to be defined in terms of general individual rights and standards which have been critically examined and agreed upon by the whole society. There is a clear awareness of the relativism of personal values and opinions and a corresponding emphasis upon procedural rules for reaching consensus. Aside from what is constitutionally and democratically agreed upon, the right is a matter of personal "values" and "opinion." The result is an emphasis upon the "legal point of view," but with an emphasis upon the possibility of changing law in terms of rational considerations of social utility (rather than freezing it in terms of stage 4 "law and order"). Outside the legal realm, free agreement and contract is the binding element of obligation.

TABLE I (cont'd)

Stage 6

The universal ethical principle orientation. Right is defined by the decision of conscience in accord with self-chosen ethical principles appealing to logical comprehensiveness, universality, and consistency. These principles are abstract and ethical (the Golden Rule, the categorical imperative); they are not concrete moral rules like the Ten Commandments. At heart, these are universal principles of justice, of the reciprocity and equality of human rights, and of respect for the dignity of human beings as individual persons.

Eventually the developing person may grow discontent with the good being judged according to subjective intentions and the opinions of others. At the fourth step, fixed laws of a general social order take precedence over the importance of the opinions of others. As it is understood that these laws can be legislated and changed, the moral agent advances to the fifth step. Here the good is again considered to be a matter of agreement between persons. Only this time it is agreement as to laws governing a social system, not agreement as to particular exchanges. The final step or Stage 6 is achieved only when a person realizes that agreement between parties even on a societal system is not a sufficient determinant of the good. The good is that ideal arrangement where persons are recognized as equal in dignity and deserving of equal treatment. Each person must guide his own actions according to the judgmental

procedure which leads to this ideal societal organization.

Kohlberg is certainly no ethical relativist. In his view all moral judgment can be assessed for adequacy according to its conformity to Stage 6 thinking. The major degrees of adequacy actually existing in moral judgment correspond to his six justice stages of development. If Kohlberg has unquestionably avoided the peril of ethical relativism, the same cannot be said for the peril of ethnocentrism. In the words of one researcher who has reviewed Kohlberg's theory, his findings "are ethnocentric and culturally-biased."³⁰ This is because Kohlberg assimilates all expressions of moral judgment to his stages of justice regardless of climate and culture.

Kohlberg is not only not an ethical relativist, he is also not a cultural relativist. In his view there are no differences among cultures as to fundamental ethical principles. There is a single fundamental ethical principle governing the thinking of all human beings. Based on research done in a number of cultures, Kohlberg believes that he has established justice as a measure not only appropriate for his culture. He believes justice is central to moral judgment regardless of culture.

Kohlberg's denial of cultural relativism is perhaps more surprising than his denial of ethical relativism. Kohlberg has visited and done research in other culture areas. He

recognizes that there is a need to take into account cultural differences. Indeed he makes a distinction between variable content and common form in his theory. We might expect this distinction would lead to the assertion of cultural relativism or the existence of differences in regard to fundamental ethical principles among cultures. But it does not.

Kohlberg does not believe that cultures vary at the level of fundamental ethical principles. Whatever cultural variation there is exists only on the surface. For instance, an oft-used example Kohlberg employs to demonstrate variable content and common form among cultures is a response of many Taiwanese boys. Asked if a husband should steal to save his wife's life, the response comes that it is proper to steal "because if she dies he'll have to pay for her funeral and that costs a lot."³¹ This response is classified by Kohlberg at the second step in the development of moral judgment where the child orients towards material needs and pragmatic exchanges. In a culture where funeral customs do not rate so central a place, children cite similar material justifications on the order of "he needs his wife to cook for him."³² The cultural variation is the particular material justification cited. This variation is not at the level of fundamental ethical principles. What is fundamental is the universal form of moral judgment expressed as the concern with material or instrumental exchange.

This forms the basis of justification.

According to Kohlberg,³³ he came to the discovery of his stages of moral judgment by talking with Euroamerican boys of ages 10-16. After collecting their views, he was eventually able to sort what they said into six boxes. This sorting led to the six stages of moral judgment based on the principle of justice (Table I). In other words, Kohlberg arrived at his stage theory by doing empirical research and inductively ordering his data. For this reason he feels that he has a strong claim to have discovered (not invented or postulated) his six stages. He believes that they are really out there in the thought-worlds of individuals. He did not approach his subject area with something to prove. He allowed the data to lead him to the formulation of his theory.

The priority of data to theory is a strongly-felt one among scientists. It is also in keeping with the suggestion that Brandt's distinction between cultural and ethical relativism be utilized as a procedure. The first step is to articulate the principles we should have to take as a person's ethical premises, if we represented his ethical views as a deductive system. Kohlberg claims to have done this by inductively ordering his data in the case of his initial research and finding the ethical premise or axiom to be that of justice. Once having done this however, Kohlberg has shown little

concern for the maintenance of the same openness when he has traveled to different cultures. He has not begun his cross-cultural research by means of a similar procedure of collecting and sorting examples of moral judgment. He has arrived with a theory to prove or disprove.

This lack of concern for the inductive approach might be justifiable in cases where the original group can be considered representative of later groups. I think however there must be severe reservations about this lack of concern when there is a move to a new culture area. It seems likely that a period of listening is required in each new area before the fundamental ethical premises can be sorted out.

Kohlberg is not insensitive to the requirements of cross-cultural work. He has had the help of anthropologists in the administration and translation of his dilemma stories that constitute his tools of research. He has made alterations in the details of his dilemma stories when judged necessary. In a life-versus-stealing dilemma story used for investigation, the life-saving drugs of the Euroamerican dilemma became food in the Taiwanese dilemma. However it must be asked whether such superficial changes can really lay to rest the question of ethnocentrism. Also worth noting is that while the administered stories were modified for cross-cultural work, the manual for scoring responses was not.³⁴ Presumably any

responses that did not conform to Euroamerican patterns would have been discarded or set aside as unscorable.

We should not minimize the difficulties faced by Kohlberg or any researcher in doing cross-cultural research. There is nothing magical about an inductive approach that attempts as a first step to articulate the fundamental ethical principles of a culture in its own terms. Inductive approaches also have their own biases. He who asks the question or articulates the commonality shapes the answer, if indeed he does not give it. It is just that in new situations, particularly across cultural boundaries, maximum openness is achieved by staying as close as possible to the data in its original terms.

We can further sympathize with Kohlberg in view of the need of a researcher to have a basis for comparison when it is time to compare. Kohlberg's scoring manual is his common measure. If there turned out to be two fundamentally different scoring manuals after two cultures' ethical premises were articulated, it would be necessary to create a third or give one of the two priority before there could be comparison. Even Herskovits the relativist provides a common unit of measurement among cultures. He measures moral systems in terms of their abilities to meet basic human needs.

The inescapability of the need for a common unit of measurement if we are to compare has an important implication.

If there is some way of establishing that the chosen measure is the correct one beyond question, then charges of ethnocentrism can be laid to rest when it is used. For instance if Kohlberg can establish that justice is the only fundamental ethical principle in accord with our second step, that is, our central rational method of assessing ethical principles, then his manner of approach to other culture areas is defensible.

This is indeed what Kohlberg does claim. If Kohlberg were ever to come across a group of human beings that possessed no concept of justice, inconceivable as that might be, this would not necessarily be proof that justice was not the ideal form of virtue (although this would likely cause Kohlberg to reassess the validity of his theory). Even if Kohlberg stresses that he discovered the structure of justice in the data supplied by his research subjects, the priority of justice is equally established by "philosophical knowledge or intuition of the ideal form of the good."³⁵

In some philosophical traditions, intuition has been construed as a source of incorrigible self-evidence. If such a source exists and confirms the priority of the principle of justice, then Kohlberg's approach to cross-cultural research may well be justified. Justice's status as the ideal form of the good would make it the appropriate common measure by which all moral behavior could be judged. In such a case, charges

of ethnocentrism against Kohlberg's utilization of justice as his common measure could not be sustained. Ethnocentrism is the arbitrary appeal to one's own cultural standards. But utilizing the ideal form of the good as the common measure can hardly be considered as arbitrary. The next task is to consider whether some form of intuition is indeed the epistemological channel by which we can cognize the ideal form of the good. Does intuition permit us to go beyond the relativity and context-dependence of present knowledge and know the ideal form of the good?

ENDNOTES

¹ These statements appear in two places. They are:
 (a) Lawrence Kohlberg, "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away With It in the Study of Moral Development," in Cognitive Development and Epistemology, ed. by T. Mischel (New York: Academic Press, 1971), p. 232;
 (b) Lawrence Kohlberg, "Education for Justice: A Modern Statement of the Platonic View," in Moral Education, intro. by N. F. and T. R. Sizer (Cambridge: Harvard University Press, 1970), p. 58. In his "From Is to Ought," Kohlberg attributes these statements to Socrates without citing a reference. In his "Education for Justice," Kohlberg says that he is summarizing the Platonic view. After a search, I can only think that his "From Is to Ought" attribution is erroneous. In fact there is a question of whether all four points can properly be attributed to the historical Socrates. It seems likely that the developed theory of Forms is Plato's, not Socrates'.

² R. B. Brandt, Ethical Theory (Englewood Cliffs: Prentice Hall, 1959), p. 272.

³ R. M. Hare, The Language of Morals (New York: Oxford University Press, 1952), p. 142.

⁴ Charles L. Stevenson, "Relativism and Nonrelativism in the Theory of Value," in Facts and Values: Studies in Ethical Analysis (New Haven: Yale University Press, 1963), p. 92.

⁵ Kohlberg, "From Is to Ought," pp. 155-180.

⁶ The case of Dalilo and Denis Maschino as reported in the Gazette (Montreal), June 30, 1978, p. 3.

⁷ "Crime and Punishment," Time, July 25, 1977, p. 38.

⁸ Ibid.

⁹ Melville Herskovits, Man and His Works (New York: A. A. Knopf, 1948), p. 68.

¹⁰ See: (a) R. B. Brandt, "Ethical Relativism," in The Encyclopedia of Philosophy, Vol. 3, ed. by Paul Edwards (New York: Macmillan Publishing Co., Inc., 1967), pp. 75-78; and (b) David Bidney, "The Concept of Value in Modern Anthropology," in Anthropology Today, ed. by Sol Tax (Chicago: The University of Chicago Press, 1962), pp. 436-53.

- 11 Melville Herskovits, "The Statement on Human Rights," American Anthropologist, 1947, XLIX, pp. 539-43.
- 12 Ibid., p. 543.
- 13 Brandt, "Ethical Relativism," p. 75.
- 14 R. B. Brandt, Value and Obligation: Systematic Readings in Ethics (New York: Harcourt, Brace & World, 1961), p. 433.
- 15 W. T. Stace, The Concept of Morals (New York: Macmillan Publishing Co., Inc., 1937), pp. 48-49.
- 16 Herskovits, Man and His Works, pp. 61-63.
- 17 Ibid., p. 40.
- 18 Ibid., p. 64.
- 19 Ibid., p. 27.
- 20 Ibid., p. 234.
- 21 Ibid., p. 76.
- 22 Brandt, Value and Obligation, p. 433.
- 23 Brandt, Ethical Theory, p. 103.
- 24 Brandt, Value and Obligation, p. 438.
- 25 Herskovits, "The Statement on Human Rights."
- 26 "Article 17," Universal Declaration of Human Rights, in Value and Obligation, ed. by R. B. Brandt, p. 494.
- 27 Kohlberg, "From Is to Ought," p. 232.
- 28 Ibid., p. 212.
- 29 Ibid., p. 167 f.
- 30 Elizabeth Léonie Simpson, "Moral Development Research: A Case Study of Scientific Cultural Bias," Human Development, 1974, Vol. 17, p. 81.

³¹ Kohlberg, "From Is to Ought," p. 165.

³² Ibid.

³³ In a talk at McGill University in February, 1975, Lawrence Kohlberg described how he arrived at the formulation of his theory.

³⁴ Simpson, "Moral Development Research," p. 96.

³⁵ Kohlberg, "From Is to Ought," p. 232.

CHAPTER II

KOHLBERG AND INTUITION

Lawrence Kohlberg believes that justice is the ideal form of the good for all persons regardless of climate and culture.¹ Cultures do not vary at the level of fundamental ethical principles. Whatever differences there are exist only at the surface. Accordingly the concept of justice can be used as the common measure for all moral judgment. When used in this manner, six major degrees or stages of adequacy reveal themselves. They are the developmental steps through which all persons must progress to moral maturity. Moral maturity is achieved when the sixth and most adequate mode of moral judgment is used in the guidance of behavior.

Kohlberg's claims for his common measure have been challenged as ethnocentric and culturally-biased.² Rather than approaching each tradition with an open mind and listening carefully to what it has to say, Kohlberg has gone to other cultures with his tool of measurement in hand. This raises the question as to whether the ethical presuppositions governing other cultures might have been missed in Kohlberg's cross-cultural research. Any research tool is likely to reveal only that to which it has been sensitized. Other aspects can be

easily missed or misevaluated.

However the charge of ethnocentrism can be dismissed insofar as Kohlberg is able to sustain his claim that he knows the ideal form of the good. There is nothing ethnocentric or biased about using as a common measure what has been revealed as the one true form of the good. According to Kohlberg, justice has been identified as this form by intuition.³ My interest in this chapter is first of all to establish what Kohlberg means by "intuition." I then wish to evaluate it as a source of knowledge.

Kohlberg unfortunately has nowhere written what he means by intuition. The reader can only surmise from restricted passages what Kohlberg's understanding is. It is helpful in this regard to consider Kohlberg's philosophical roots. Kohlberg draws particularly on two traditions. One is a deontological tradition represented by such philosophers as Immanuel Kant, W. D. Ross, D. D. Raphael, and John Rawls. The other is a pragmatic-constructivist tradition represented by such persons as John Dewey and Jean Piaget.* These two traditions

* This could be shortened from "pragmatic-constructivist" to "pragmatic" tradition. Piaget admits to having been directly influenced by William James.⁴ However since pragmatism has been declared no longer alive today by one commentator,⁵ and is so strongly identified with the specific work of C. S. Peirce, William James, and John Dewey, Piaget is more properly . . . /

have incompatible views as to the nature of intuition. Intuition in the deontological tradition has often been regarded as an epistemological source of great power. In the latter tradition it is not so regarded.

I believe that Kohlberg's understanding of intuition is rooted primarily in the deontological tradition. This is of considerable significance. It is there that intuition is regarded as an epistemological source of sufficient power to establish an ethical principle as a common measure beyond the charges of ethnocentrism and cultural bias. Intuition in the deontological tradition is usually thought to be the court of final appeal in the determination of knowledge.

I want to suggest that intuition should be viewed as it is in the pragmatic-constructivist tradition. Intuitive knowledge there is viewed as provisional and as dependent on context as other forms of knowledge. No greater certainty is given. Therefore in my view, Kohlberg's approach to other cultures cannot be justified by appeal to intuition. No resolution of the charge of ethnocentrism and cultural bias can be expected on the basis of intuition. Indeed it might be

* (cont'd) . . . referred to as a constructivist. At any rate, all these individuals share the pragmatic belief that the validity of concepts is to be measured according to their practical results.

expected that the charges will prove to be well-founded given Kohlberg's lack of recognition of the importance of context in knowledge.

a. Two Views of Intuition

Lawrence Kohlberg's most extreme and absolute claims come in his adherence to what is termed the Platonic view. He holds that:

First, virtue is ultimately one, not many, and it is always the same ideal form regardless of climate or culture.

Second, the name of the ideal form is justice.

Third, not only is the good one, but virtue is the knowledge of the good. He who knows the good chooses the good.

Fourth, the kind of knowledge of the good which is virtue is philosophical knowledge or intuition of the ideal form of the good, not correct opinion or acceptance of conventional beliefs.⁶

The epistemological validity of this view depends in large part upon what is meant by "intuition of the ideal form of the good." Unfortunately Kohlberg has not given us any extensive treatment of what he means with reference to intuition. This makes interpretation more difficult. Perhaps the best strategy would be to look at Kohlberg's philosophical roots where intuition is given a more definite meaning. Here we find two main possibilities. Kohlberg draws on both a deontological

tradition* which tends to place intuition beyond rational considerations and a pragmatic-constructivist tradition that does not.

* I am confronted with a difficult problem of labeling here. My interest is in Kohlberg's understanding of intuition. It is my view that Kohlberg occasionally speaks like an intuitionist. Intuitionism is:

. . . the theory that, although ethical generalizations are not true by definition, those of them which are true can be seen to be true by any person with the necessary insight. According to this view, a person who can grasp the truth of ethical generalizations does not accept them as the result of a process of ratiocination; he just sees them without argument that they are and must be true . . .⁷

Kohlberg however does not appear to come to his notion of intuition by asking the epistemological question that historically gave rise to intuitionism. Rather he seems influenced by a deontological tradition associated with intuitionism.

Deontological ethics takes the view that duty (deon) takes precedence over considerations of resultant goodness. This is expressed by the "popular motto 'Let justice be done though the heavens fall'."⁸ It is also expressed in the statement of John Rawls "that in justice as fairness the concept of right is prior to that of the good."⁹ There is no necessary connection between deontology and intuitionism. But it is historically the case that a number of deontologists have also been intuitionists or had such leanings. Deontological philosophers that have influenced Kohlberg include Immanuel Kant, W. D. Ross, D. D. Raphael, and John Rawls. Of these only W. D. Ross can be called without reservation an intuitionist. Indeed John Rawls explicitly rejects intuitionism because of its lack of consideration of the priority problem.¹⁰ Certainly Kohlberg would follow Rawls in this. But it has also been argued that "Rawls' theory, in one of its most important parts, is itself clearly intuitionistic, for it provides no method of weighing distinct principles of justice."¹¹

Perhaps we should compare the possibilities of confusion here. By using the term "deontological tradition" . . . /

Representative of deontological tradition is H. A. Prichard.** Prichard believes that the "sense of obligation to do, or the rightness of, an action is absolutely underivative or immediate."¹² Since the sense of obligation is underivative, the question 'Is there really a reason why I should act in the ways in which hitherto I have thought I ought to act?' is wrongly based. We find something morally obligatory because we find it morally obligatory, not because of some additional reason. Prichard compares this moral sense to

* (cont'd) . . . to refer to an apparent source of Kohlberg's understanding of intuition we risk confusing the question of duty versus goodness of results with the epistemological question of the nature of our ethical knowledge. A deontologist is by no means necessarily an intuitionist. But if we talk about the "tradition of intuitionism" being a source of Kohlberg's understanding, we risk thinking that Kohlberg has come to his intuitionism by asking the epistemological question. I do not think that is the case. I strongly suspect that Kohlberg's intuitionism is a by-product of his deontological views, not a strongly-held position in its own right. Hence we can perhaps best maintain proper understanding of Kohlberg by identifying the tradition as deontological rather than as intuitionist.

** I have chosen to look at the views of H. A. Prichard not because he exerts any direct influence on Kohlberg. There is no evidence that he does. Rather I have chosen him because of his use of mathematical analogy and the conciseness of his presentation. Kohlberg's intuitionism draws more directly on the work of John Rawls. This is considered in the section entitled "Reflective Equilibrium and Equilibration" of my fifth chapter.

mathematical apprehension.*

We recognize, for instance, that this performance of a service to X, who has done us a service, just in virtue of its being the performance of a service to one who has rendered a service to the would-be agent, ought to be done by us. This apprehension is immediate, in precisely the sense in which a mathematical apprehension is immediate, e.g. the apprehension that this three-sided figure, in virtue of its being three-sided, must have three angles. Both apprehensions are immediate in the sense that in both insight into the nature of the subject directly leads us to recognize its possession of the predicate; and it is only stating this fact from the other side to say that in both cases the fact apprehended is self-evident.¹⁴

In cases where this epistemological immediacy is not readily apparent, the "remedy lies not in any process of general thinking, but in getting face to face with a particular instance of the situation . . ."¹⁵

Prichard's case is based on the fact that at times in our processes of understanding we do feel that we know with complete certainty. Statements seem self-evident. Doubts about statements seem artificial and easily dispelled. There is a feeling of primal necessity. Both ethics and mathematics have instances of where this is true. Prichard

* Prichard's use of mathematical analogy has been criticized because "in the mathematical case, . . . self-evident apprehensions never conflict."¹³ Additionally moral conflict seems to require the use of ratiocination if it is to be alleviated. But the validity of the appeal to reasons over self-evident apprehensions is just what is denied by Prichard. If Prichard's use of mathematical analogy to illustrate his point has its shortcomings, still it also has its benefits. Comparable feelings of certainty arise in both the moral and mathematical domains.

is correct in supposing that in the histories of individual human beings there are many times when obligations seem to need no supporting rationales. These are also occasions when the feelings of ethical necessity are strongest and the argument for ethical intuition most tempting.

Kohlberg occasionally sounds very much like Prichard and those who would appeal to self-evident apprehensions for justification. His argument for the priority of justice as the fundamental principle in moral judgment is partly based on an appeal to intuition. Consider the following:

Principles other than justice may be tried out by those seeking to transcend either conventional or contractual-consensual (stage 5) morality, but they do not work either, because they resolve them in ways that seem intuitively* wrong.¹⁶

We need now to indicate that "Stage 5" utilitarianism deviates from our intuitions* as to how to approach moral dilemmas and the sense in which "Stage 6" tests of reversibility correspond to our natural intuitions* as to how to proceed in making moral decisions.¹⁷

For most of us, it is counterintuitive* to believe that racial destiny could be held as a universal prescriptive principle. This is because no human being held it or similar beliefs as such a principle, at least none in our research studies.¹⁸

Kohlberg's appeal to intuition or self-evident apprehension is

* My underlining.

not advanced here with the same force that Prichard uses in his appeal to intuition, but it is advanced to much the same effect. Unless Kohlberg can replace his appeal to intuition with statements as to why something seems "intuitively wrong" or "counter-intuitive," then the discussion is simply over with its outcome dependent on the reader's access to the same intuitions.

It may be that Kohlberg uses the term "intuition" without always intending to make an appeal to self-evident apprehensions of the sort that Prichard cites. Kohlberg does follow his claim about the principle of racial destiny being "counter-intuitive" with an explanation that "this is because no human being held it . . . at least none in our research studies."

If all Kohlberg is attempting to say is that speculation about other principles potentially equivalent to justice should be constrained by what is found in the real world, then aside from the question of whether he has interviewed many Nazis, South Africans, etc., and has established what is to be found, Kohlberg's reference to intuition might well be regarded as unimportant. However a number of Kohlberg's statements concerning intuition and the justification of the principle of justice do seem to draw in important ways on the deontological tradition exemplified by Prichard. When he says that other principles resolve situations in ways which seem intuitively wrong, Kohlberg apparently believes that he has made his case.

The question of why they seem intuitively wrong or for whom goes unanswered.

Prichard's view that moral philosophy is mistaken when it seeks reasons for acting in the way one thinks it right to act is paralleled by his view that epistemology is wrongly understood if thought to supply the answer to the question 'Is what we have hitherto thought knowledge really knowledge?'. This question is wrongly based, according to Prichard, because knowledge can be differentiated from belief only if it has some positive character lacking in belief. For instance, we know that $7 \times 4 = 28$ because we can multiply it out and find it to be correct. The equation ' $7 \times 4 = 28$ ' is a belief or opinion only prior to multiplying. To check our belief we would simply multiply and our opinion or belief would become knowledge. Hence Prichard believes that it is necessary to recognize "the inevitable immediacy of knowledge. And it is positive knowledge that knowledge is immediate and neither can be, nor needs to be, improved or vindicated by the further knowledge that it was knowledge."¹⁹

This view of the nature of knowledge is not shared by the pragmatic-constructivist tradition. There is no "inevitable immediacy of knowledge" that serves to separate it absolutely from opinion. Knowledge is either collapsed into correct opinion or separated from it only by degree. For instance, it

is quite possible that feelings of "inevitable immediacy" would accompany the assertion ' $7 \times 4 = 28$ ' for a person who did not know how to multiply if he looked it up in tables of multiplication. The basis for his feeling would be his opinion that certain authority was trustworthy. Whether he was in possession of belief or knowledge would depend less on the grounds for his belief than it would on the correctness of his belief. Suppose that the statement ' $7 \times 4 = 28$ ' were made using base 9. In base 9 the statement ' $7 \times 4 = 31$ ' is correct. But suppose Prichard or someone else did not understand the nature of the different bases and said that it could not be. Where then is the "inevitable immediacy of knowledge" to be found?

In the pragmatic-constructivist tradition the ordinary distinction between correct opinion and knowledge is merely relative. Given two people with beliefs, "knowledge" is used to refer to the beliefs of the person whose grounds for believing something are more profound or complete than the other. A person who looks up the equation ' $7 \times 4 = 28$ ' in a book of multiplication tables has better grounds for his belief than a person who merely sees it written on a wall. In turn a person who knows how to multiply "knows" that $7 \times 4 = 28$ more than a person who merely looks it up. Again a person with a knowledge of bases "knows" better than a person without such knowledge. There is never a time when knowledge and correct opinion form

two classes on the basis of some "inevitable immediacy of knowledge." At each step there must be consideration of (a) the grounds for the beliefs and (b) the relative correctness of the beliefs if we are to differentiate correct opinion from knowledge. The question 'Is what we have hitherto thought knowledge really knowledge' is not illegitimate, according to the pragmatic-constructivist view. Indeed it is of the essence. For if we are considering the bases of our beliefs as well as their correctness, there is perhaps always room for improvement. Even if our former beliefs continue to be held so that we cannot speak in terms of more correct knowledge, improvements in our bases for belief enable us to contrast present "knowledge" with past "correct opinion."

The pragmatic-constructivist tradition also disagrees with Prichard about the legitimacy of the question 'Is there really a reason why I should act in the ways in which hitherto I have thought I ought to act?'. This is not only a legitimate question, it is a central and crucial question. Because there is no intrinsic and absolute difference between correct opinion and knowledge, the quest for knowledge must be considered a continuing one. This is as true of ethical opinion as it is of other opinion. The process of inquiry takes precedence over the results of inquiry because it seems to be a lesson of inquiry that results have to be modified continually.

If our knowledge (beliefs), ethical or otherwise, is not necessarily wrong, it is quite likely incomplete. It is for this reason that Jean Piaget declares:

In the first place, objectivity is a process and not a state. This amounts to saying that there is no such thing as an immediate intuition touching the object in any valid manner but that objectivity presupposes a chain reaction of successive approximations which may never be completed.²⁰

Piaget goes on to suggest that "the object is only to be reached in the sense that a mathematical 'limit' may be reached, which is to say never . . ."²¹ We can search for complete and valid knowledge, but we should be aware of our limitations in finding it.

This view is not without its problems. If we were not engaged moral agents, we might be relaxed about a view that declared our knowledge to have such limits. As it is, we must continually act on our knowledge of right and wrong. If Piaget is correct, then we cannot know the good in the final and complete way Kohlberg indicates with his espousal of what he calls the Platonic view. We can only approximate the good more or less closely. Such a view could operate to undermine the confidence with which we might want to act. We would need to behave in the confident manner that moral action demands, but we would also have to be aware that we could be in error.

Also if Piaget is correct, then we must wonder about

the nature of the feelings that Prichard refers to in talking about intuition. Often we feel that we know something insofar as it can be known. We are certain that something is the case. Our knowledge of right and wrong does often seem to be immediate and underivative. What explanation can Piaget offer of our very definite feelings that we occasionally know something to be the case absolutely and without the possibility of further revisions or considerations?

Such feelings of certainty are ours not only in the moral field. They are perhaps even more pronounced in the logico-mathematical field. After all, Prichard did appeal to mathematics for his analogy to ethical self-evidence. Any closed figure with three sides must have three angles, must it not? What then is the source and nature of our feelings of certainty? If this question can be answered in terms of the logico-mathematical field, then we may have a basis for extending the answer to ethics.

Piaget would claim that our feelings of necessity have their natural origins. We, as adults, find many things to be "inconceivable" and in violation of our natural intuitions of logical necessity that children of various ages do not. For instance, adults find it inconceivable that if A is less than B and B is less than C to think that A could be anything but less than C. They would not need to line up and label objects of

different sizes in order to check whether A is less than C any more than they would need to count the angles after the sides to confirm Prichard's claim. The relationship between A and C does not depend on empirical accident, it is a truth of logic.

Young children however do not share our intuitions of logical necessity. They must learn to seriate before they can understand transitivity. At most they can only come to the conclusion that A is less than C by comparing particular items A and C without the confusing intermediary of B. The establishment of seriation permits the child to understand that B can be both more than something and less than something else at the same time. The child is then able to hold the two relationships "more than" and "less than" in his mind at the same time without confusion. This in turn leads to an understanding of A and C's relationship through the intermediary of B. Once this understanding is complete then "transitivity appears 'necessary', and this logical 'necessity' is recognized not only by some inner feeling, which cannot be proved, but by the intellectual behavior of the subject, who uses the newly mastered deductive instrument with confidence and discipline."²²

Piaget believes that the components of our logic are tools forged in and for the conduct of our affairs. Since we are their source, we need to be very careful in assessing their status. This is doubly the case since these tools constitute

the rules by which we think. We have a natural tendency to ascribe to the universe what may only be features of our understanding. Although we can see other minds that do not operate according to the logical rules that we do, e.g. children and animals, we assume that such minds are deficient in understanding. This assumption in the case of children and animals might well be justified, but we need to be cautious. The sufficiency of our logical tools may be only relative and situational. Tools of understanding are still being forged and the future is difficult to predict.

Of major relevance to us now is the manner in which feelings of necessity arise. A child who does not seriate does not feel that A is necessarily less than C if A is less than B and B is less than C. However as the child interacts with his world, there comes a time when he develops an understanding of seriation and then transitivity. He understands that A being less than C is not a contingent matter, but always holds. At some point this recognition becomes so strong that he considers it "inconceivable" that it be otherwise. A feeling of necessity is part of the integral functioning of his new logical tool. As to the rate with which this occurs, Piaget comments:

. . . a study of the development of logico-mathematical structures in a child reveals that the necessity for them is imposed on the subject, not from the beginning, but, as we have already said, very gradually, often until such time as it crystallizes very suddenly.²³

Once the feeling of necessity is there, then it is very difficult to imagine that things could ever have appeared differently.

Piaget does not suggest that logic has no more than "subjective" validity. What is being claimed is that the feelings of necessity and self-evidence do have their origins in the subject and subjective side of understanding. Accordingly we would be mistaken to place undue reliance on them to the exclusion of other sources of evidence. Feelings of certainty provide only one among many reasons for preference of one alternative over another. Intuition has no special evidentiary status. It is a product of the coordinations of intelligence at each step in the construction and use of our logical tools.

Just as Kohlberg occasionally sounds like Prichard, there are also times when he sounds like Piaget. In speaking about the development of the logic of moral judgment, Kohlberg says:

From our developmental perspective, moral principles are active reconstructions of experience, the recognition that moral judgment demands a universal form is neither a universal a priori intuition of mankind nor a peculiar invention by a philosopher, but

rather a portion of the universal reconstruction of judgment in the process of development from stage 5 to stage 6.²⁴

Here Kohlberg follows Piaget not only in believing that there is a progressive construction of the logic of our thinking, he follows Piaget in denying that the validity of our logical rules are grounded in some sort of "a priori intuition of mankind." Rather they are constructed by a subject interacting with and structuring his world.

This type of statement seems to represent a certain inconsistency in Kohlberg's thinking. Why should we rule out the possibility of other fundamental principles of moral reasoning in addition to justice on intuitive grounds (as we saw Kohlberg do) when we cannot confirm the necessity of a universal form of moral judgment by intuition? Kohlberg neither asks nor answers this question. But we must. Either an appeal to intuition and certain parts of Kohlberg's views are justified, or such an appeal is not justified and it is necessary to question closely Kohlberg's claims for justice and his disregard for the articulation of the fundamental principles of other cultures.

Both Kohlberg and Piaget share a developmental view of the nature of logic. Reasoning is considered by both to be qualitatively different at different levels of development. This does not imply the equal validity of infant, childhood,

and adult logic for either Kohlberg or Piaget. But how Piaget goes about developing his claims of hierarchy is very different from Kohlberg. Kohlberg continually makes claims about the absolute nature of justice more in keeping with deontological than pragmatic-constructivist traditions. Piaget is willing to speculate about and inquire after the ideal form of the good, while always remaining open to new findings and constructions. Kohlberg believes that he, or at least certain outstanding moral figures, can presently intuit it.*

The justificatory basis for justice as the common measure of moral judgment is crucial. Kohlberg's method of cross-cultural research with its disregard for the articulation of fundamental ethical principles as they would be expressed by

* To be fair to Kohlberg, it should be noted that the question about what intuition justifies can only properly be put to a restricted group of advanced individuals who have achieved the highest level of moral thinking. Kohlberg disagrees with the view that "moral principles are dimly intuited by the common man (ordinary morality), and the philosopher's task is simply to codify and make consistent the morality derived from these principles (Kant and Sidgwick)." ²⁵ Kohlberg's notion of intuition at times seems almost equivalent to or an appeal to some sort of philosophers' consensus. When arguing for justice as the only adequate fundamental ethical principle, Kohlberg cites "the intuitive feeling of many philosophers that justice is the only satisfactory principle . . ." ²⁶ Kohlberg's appeal to intuition accordingly does not necessarily fall apart if a number of us do not intuit or understand the primacy of justice, as long as certain key individuals confirm its priority by intuition.

the native culture would be justified if Kohlberg could establish that justice was the only adequate fundamental ethical principle. This could be accomplished if intuition provided certain knowledge in the way that Prichard and other intuitionists suggest. Then the only question would be whether it was intuitively the case that justice was the single adequate fundamental ethical principle.

It is unfortunate that Kohlberg never explains his notion of intuition in any detail. Kohlberg in his work draws on both the deontological and pragmatic-constructivist traditions which conflict as to the nature of intuition. Kohlberg's own statements share in this conflict. Yet his claim for the priority of the principle of justice can be sustained only by the notion of intuition found in the deontological tradition. The pragmatic-constructivist notion leaves the question of priority open due to the subjective element involved and the resultant limitations on knowledge.

We now need to consider the nature of knowledge so that we can achieve some view as to the validity of the competing notions. Is the pragmatic-constructivist view of knowledge as relative and limited correct? Or should we agree with Prichard and others who think that the question 'Is what we have hitherto considered knowledge really knowledge?' is illegitimate?

If the deontological tradition is correct, then the question of relativism can be laid to rest. Kohlberg's denial of both cultural and ethical relativism would have a basis in the intuition of justice as the single acceptable fundamental ethical principle. There might be other grounds for disputing Kohlberg's claims for justice, but his reference to intuition would be found to have merit. It would provide Kohlberg with the ability to go to those of other cultures and measure them with his meterstick of justice.

However if the pragmatic-constructivist tradition is correct, then the question of relativism needs further consideration. If our knowledge is limited and culture-bound, then we need to be very careful in resolving the question of relativism. It may be that while we have to act in terms of our assessment of our responsibilities, there is no corresponding guarantee of the adequacy of our assessments. Our notions of the good may be flawed in ways that only history will reveal. If we cannot avoid acting as if we know the good, we might still find it best to retain the notion that our knowledge may be incomplete and perhaps in error. Also there is the possibility that conflicting notions of the good may be found to have substantial harmony against the background of the formation of character in a changing environment.

b. Intuition and Context

It has been noted that Prichard found the questions 'Is there really a reason why I should act in the ways in which hitherto I have thought I ought to act?' and 'Is what we have hitherto considered knowledge really knowledge?' to be parallel and equally illegitimate.²⁷ I agree with Prichard that these questions are parallel. I do not agree that they are illegitimate. The point of contention, I believe, has to do with the function and limits of evidence. Prichard and other intuitionists find it illegitimate to ask for evidence or reasons after a certain point or in certain situations. I, on the other hand, want to suggest that it is always legitimate to ask for evidence, although it may not be prudent (profitable) to do so after a certain point.

I strongly suspect that present-day intuitionists can be separated from non-intuitionists by their agreement with Prichard on this point. Few intuitionists today, certainly not Kohlberg if he is appropriately called an intuitionist, would be interested in positing a faculty or sense of intuition as was done by some classical intuitionists.²⁸ But many, including those who would not ordinarily think of calling themselves intuitionists, would agree with Prichard that there are things we know conclusively without evidence. What these things are would differ from person to person. But most would

likely find statements like 'It is wrong to kill babies' or 'This is a hand (said while gesturing with a hand)' to be statements of certain knowledge. To ask why it is wrong to kill babies or why I think what I am gesturing with is my hand would be illegitimate without a special context. Without a special context we would not know how to go about proving that it is wrong to kill babies or that what I am gesturing with is indeed a hand. At most we would sputter, "Of course it is, can't you see?"

The philosopher G. E. Moore advocated doctrines of the sort in the first part of this century. Moore agreed with Prichard that evidence and proof required special contexts to be legitimate. He argued that our knowledge is not dependent on an offering of reasons, evidence, or proof. It is a matter of common sense that we know many things with certainty even if we cannot always say why, how, or in what manner we know them. Moore illustrates this in the following way:

For instance, nobody can prove that this is a chair beside me; yet I do not suppose that any one is much dissatisfied for that reason. We all agree that it is a chair, and that is enough to content us, although it is quite possible we may be wrong. A madman, of course, might come in and say that is not a chair but an elephant. We could not prove that he was wrong and the fact that he did not agree with us might then begin to make us uneasy.²⁹

Our uneasiness however should not lead us to surrender our

claim to knowledge.

For, indeed, who can prove that proof is itself a warrant of truth? We are all agreed that the laws of logic are true and therefore we accept a result which is proved by their means; but such a proof is satisfactory to us only because we are all so fully agreed that it is a warrant of truth. And yet we cannot, by the nature of the case, prove that we are right in being so agreed.³⁰

Moore is certainly correct that proof, in the sense of convincing the other person, is no guarantee of truth. Either we are correct in our judgments and possess knowledge or we aren't and don't. However the issue is not really joined until we take the next step. If it is the case that proof, in the sense of convincing the other, is not a necessary requirement in judgments of knowledge, is it the case that asking for evidence normally associated with proof is illegitimate? Moore would reply affirmatively if by this we mean that the existence of a question indicates that our knowledge claim is tentative and limited.

Moore believes that we know many things with certainty. According to Moore, there are unambiguous expressions which we all understand. We know that some things are the case, although we may not be able to give definite proof of them or explain them in all of their ramifications. We know them without perhaps being able to give a full or entirely correct analysis of them. But this does not mean that we do not know them.

In this view of things, Moore sees himself as differing from many philosophers.

Many seem to hold that there is no doubt at all . . . as to the analysis of the proposition 'Material things have existed', in certain respects in which I hold that the analysis of the propositions is extremely doubtful; and some of them, . . . while holding that there is no doubt as to their analysis, seem to have doubted whether any such propositions are true. I, on the other hand, while holding that there is no doubt whatever that many such propositions are wholly true, hold also that no philosopher, hitherto, has succeeded in suggesting an analysis of them, as regards certain points, which comes anywhere near to being certainly true.³¹

Where many philosophers have troubled over how we go about justifying our assertions about the real world, Moore is concerned with explaining what our assertions mean exactly.

I would suggest that statements without either explicit or implied context, that is without evidence, cannot properly be considered true or false. No amount of analysis of the meaning of propositions can establish their truth apart from specific contexts. Moore's idea that we can look at individual statements, clarify their meaning, and find them to be true or false with a minimal regard for context is a very common one. It is also, I suspect, a false and very dangerous

one.* I would like to illustrate this by encouraging the reader to "take" the exam found in Table II (p. 71). It is an exam given to high school students in Vermont. A perfect score is required to pass.

In my experience, few adults have any reluctance to take this exam or difficulty in passing it. They are able to distinguish between "facts" and "opinions" very easily. We might even say that there is an obvious "intuitive" difference between the two. This is surprising because as the exam is presently constructed, there is no way to tell the difference between the statements of fact and the statements of opinion.

Consider the first two statements 'It is a very hot today' and 'The temperature is 98 degrees today'. Quite obviously these two statements are parallel and meant to be contrasted. One is supposedly factual. One is opinion. Anyone who knows anything about test-taking and has the inclination to play the game the way it was designed will know that the latter statement is supposedly fact. But without a context it can be neither fact nor opinion. If I am looking at a thermometer

* It is very dangerous because we follow our first reactions to statements in this case. First reactions frequently constitute "pre-judging" of a situation. Reasoned consideration and analysis are what enable us to escape from the worst effects of our prejudices.

TABLE II

Fact and Opinion*

10. THE PUPIL CAN DISTINGUISH BETWEEN STATEMENTS OF FACT AND STATEMENTS OF OPINION.

A. Give pupil the following list of fact and opinion statements. Have him/her read or listen to each statement, and state whether each is a statement of fact or a statement of opinion. For mastery, all of them must be correctly identified.

- () It is a very hot day.
- () The temperature is 98 degrees today.
- () Jane's dress is pretty.
- () Jane's dress is red.
- () We have been here a week.
- () We have been here for a long time.
- () Bob is a fine friend.
- () Bob is my neighbor.
- () We have arithmetic today.
- () Arithmetic is my best subject.
- () Mary rides the bus to school.
- () The children who ride the bus are noisy.
- () Bill is a better baseball player than Jack.
- () Bill and Jack play baseball.
- () Every Wednesday we have hamburgers for lunch.
- () Hamburgers are my favorite food.
- () Ernie Banks is the greatest living baseball player.
- () Girls are better writers than boys.
- () Betty received first place in the writing contest.
- () She is wearing a very expensive dress.
- () Her dress cost ten dollars.
- () It is more fun to have gym in the hall.
- () On rainy days we have gym in the hall.

* Distributed at a Right to Read workshop (Mendon, Vermont, March, 1978).

on a hot summer's day and am asked to judge the factuality of the statement 'The temperature is 98 degrees today', I have a basis on which to judge. If the thermometer shows 98 degrees, I would say that this is a factual statement. If it shows 90 degrees, I would deny its factuality. But without some reason for thinking that the temperature is 98 degrees, I have no claim to be making a factual judgment.

Does this then mean that the statement is opinion? We cannot correctly say that it is without giving it some context. Its use can range from an expression of fact (e.g. if I am looking at a thermometer) to an expression of opinion (e.g. if I am guessing as to what the thermometer says) to an expression of a grammatical English sentence (e.g. if I am asked for such in a grammar class). Equally 'It is a very hot day' has a large range of uses. Actually it could be more easily used to express fact. Depending on the season, a wide variety of temperatures could confirm the statement.

We could go on here and give each pair of statements contexts where the more specific statement would be a statement of opinion. For instance I might not know whether we have arithmetic today. But I do know that arithmetic is my best subject. Which is fact and which is opinion? Or in my class and experience girls may have been the better writers, but I may never have heard for certain whether Betty received

first place in the writing contest. Which then is fact and which is opinion? We could go on and on.

What is really being tested here is not the fact versus opinion distinction. What is being tested (and confused with the fact versus opinion distinction) is the specificity of data within the statements. Any high school student should be able to figure out that reference to 98 degrees involves greater specificity than reference to a very hot day. Unfortunately, in taking this test, the student is being encouraged to think that the world breaks down into a distinct class of things called facts and a distinct class of things called opinions.

In my view, those who are intuitionists make this type of error to a greater or lesser degree. They think that there are things called facts and things called opinions which can be classified without reference to context (evidence), or with a highly and arbitrarily limited reference. They identify a certain class of statements as being beyond the limits of real discussion or serious doubt. What specifically belongs to this class or in what particular way this class is ruled beyond doubt (not being mere opinion) differs from person to person. But the common thread I would suggest, is the wish to feel certain beyond any shadow of a doubt about some particular class of expressions.

Intuition gets brought in when discussion for one reason

or another has reached its limits. One way of doing this is to say simply that these are things we know. These are things beyond dispute. Whether it be in regard to the feelings of obligation (duty) in the case of Prichard, to gestural and common sense language in the case of Moore, or to the priority of justice in the case of Kohlberg, all wish to rule out further doubt by reference to intuition. In doing so, these scholars implicitly ask that only the context they had in mind and only the evidence they have brought to bear be used to evaluate the correctness of statements. But what scholarly investigation demands is the fullest context and the best evidence.

There are unquestionably limits to discussion. We cannot go on indefinitely questioning the validity of all statements. Certain statements have to be accepted as if they are true in order that we can act. Most in fact might be the best assessment of how things really are. But I would argue against Prichard, Moore, and Kohlberg that there is anything called intuition which allows us to be certain in our contrasts between sure knowledge and mere opinion. One aspect of the reality which we inhabit is that our assessments of it are continually found to be inadequate and lacking at points unpredictable by current understanding.

Reference to intuition in place of evidence is little

more than a way to end discussion. It certainly cannot solve the question of whether justice is the ideal form of the good and worthy of serving as the common measure of all moral judgment. A person who normally operates in the context of justice as his fundamental ethical presupposition would not unexpectedly find it to be confirmed by his intuition. But this does not confirm it as the ideal form of the good. In another context, someone else's intuition might well confirm some other ethical principle as the ideal form of the good.

In my estimation, Kohlberg's reference to intuition does not free him from the charge of ethnocentrism and cultural bias in his research. Kohlberg may feel quite certain about the priority of the principle of justice in the moral domain. But what is needed is some statement of reasons as to why others should consider it so. Kohlberg has not gone to other cultures, listened to what is said, and found that justice is central to all of them. He has conducted his investigations according to a definition of the moral worked out in a Euroamerican context. His only accommodation to other cultural contexts has been at the very minimal level of changing certain details of the moral dilemma stories he uses for investigation. This, in my view, is not enough to establish his claims for justice.

ENDNOTES

¹ Lawrence Kohlberg, "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development," in Cognitive Development and Epistemology, ed. by T. Mischel (New York: Academic Press, 1971), p. 232.

² Elizabeth Léonie Simpson, "Moral Development Research: A Case Study of Scientific Cultural Bias," Human Development, 1974, Vol. 17, p. 81.

³ Kohlberg, "From Is to Ought," p. 232.

⁴ Jean Piaget, Insights and Illusions of Philosophy, trans. by Wolfe Mays, Meridian (New York: The New American Library, Inc., 1971), p. 6.

⁵ H. S. Thayer, "Pragmatism," in The Encyclopedia of Philosophy, Vol. 6, ed. by Paul Edwards (New York: Macmillan Publishing Co., Inc., 1967), p. 435.

⁶ Kohlberg, "From Is to Ought," p. 232.

⁷ Jonathan Harrison, "Ethical Objectivism," in The Encyclopedia of Philosophy, Vol. 3, ed. by Paul Edwards (New York: Macmillan Publishing Co., Inc., 1967), p. 72.

⁸ Robert G. Olson, "Deontological Ethics," in The Encyclopedia of Philosophy, Vol. 2, ed. by Paul Edwards (New York: Macmillan Publishing Co., Inc., 1967), p. 342.

⁹ John Rawls, A Theory of Justice (Cambridge: The Belknap Press, 1971), p. 31.

¹⁰ Ibid., pp. 34-40.

¹¹ Joel Feinberg, "Rawls and Intuitionism," in Reading Rawls: Critical Studies of A Theory of Justice, ed. by Norman Daniels (New York: Basic Books, Inc., 1974), p. 108.

¹² H. A. Prichard, "Does Moral Philosophy Rest on a Mistake?" in Moral Obligation: Essays and Lectures (New York: Oxford University Press, 1949), p. 7.

¹³ W. D. Hudson, Modern Moral Philosophy (London: Macmillan and Co., Ltd., 1970), p. 91.

- 14 Prichard, "Does Moral Philosophy Rest," p. 8.
- 15 Ibid., p. 17.
- 16 Kohlberg, "From Is to Ought," p. 220.
- 17 Lawrence Kohlberg, "The Claim to Moral Adequacy of a Highest Stage of Moral Judgment (rev.)," in Essays in the Philosophy of Moral Development (Cambridge: By the Author, 1978), p. 160.
- 18 Kohlberg, "From Is to Ought," p. 221.
- 19 Prichard, "Does Moral Philosophy Rest," p. 15.
- 20 Jean Piaget, Biology and Knowledge: An Essay on the Relations between Organic Regulations and Cognitive Processes, trans. by Beatrix Walsh (Chicago: The University of Chicago Press, 1971), p. 64.
- 21 Ibid.
- 22 Ibid., p. 316.
- 23 Ibid.
- 24 Kohlberg, "From Is to Ought," p. 225.
- 25 Ibid.
- 26 Ibid., pp. 220-221.
- 27 Prichard, "Does Moral Philosophy Rest."
- 28 For a short account of classical intuitionism, see W. D. Hudson, Ethical Intuitionism (Toronto: The Macmillan Company, 1967).
- 29 G. E. Moore, Principia Ethica (Cambridge: Cambridge University Press, 1903), p. 75.
- 30 Ibid., p. 76.
- 31 G. E. Moore, "A Defense of Common Sense," in Philosophical Papers (New York: The Macmillan Company, 1959), p. 53.

CHAPTER III

STRUCTURALISM, FORMALISM, AND NATURAL LOGIC

Kohlberg's maximal claims appear in his statement of the Platonic view. They are:

First, virtue is ultimately one, not many, and it is always the same ideal form regardless of climate or culture.

Second, the name of this ideal form is justice.

Third, not only is the good one, but virtue is knowledge of the good. He who knows the good chooses the good.

Fourth, the kind of knowledge of the good which is virtue is philosophical knowledge or intuition of the ideal form of the good, not correct opinion or acceptance of conventional beliefs.¹

So far I have suggested that Kohlberg's first and second claims depend on his fourth. If he is to sustain his opinion that justice is the ideal form of the good regardless of climate or culture, he must establish how this can be known. Kohlberg has approached other cultures with his measuring tool in hand. He has not established the priority of justice for all cultures by observation and induction. So this must be done in some other way.

A possible way is to claim intuitive knowledge of the ideal form of the good. According to one view, intuition is an epistemological source of sufficient power to guarantee

justice as the appropriate common measure of all moral judgment and action. However I have challenged this view. Reference to intuition does not really seem to be a help to inquiry. Intuitive proof has much in common with ad hominem argumentation in that it appeals to feelings of certainty or people's preferences rather than to reasoned analysis of the evidence. Intuition does not seem an appropriate basis for ruling out evidence in advance of inquiry. Just as we cannot say whether the expression 'The temperature is 98 degrees today' is fact or opinion without a consideration of context, we cannot know whether Kohlberg's claim concerning the priority of justice is factual for all cultures without a detailed examination of the different contexts. It might be best to regard intuition more as hunch than proof of any type. Reference to intuition seems less a shortcut to the knowledge of the good than a wrong turn. At best reference to intuition is justifiable when we do not have the time, or perhaps the articulation, to present the evidence. At worst it substantially undermines inquiry.

Rejection of intuition as a privileged epistemological source however does not rule out the possibility that Kohlberg can establish justice as the appropriate common measure of all moral judgment apart from cultural context. There is another avenue of approach. It is the way of formalism. A mathematician does not have to visit other cultures and listen to

what they have to say before he can establish his proofs. Logico-mathematical knowledge is relatively independent of climate and culture. This follows from its formal and ideal nature. On this analogy, if Kohlberg can establish justice as the ideal form of the good, then he can justify using it as the common measure of all moral judgment.

Kohlberg has not identified himself as an intuitionist. He has however identified himself as a formalist. Kohlberg says:

. . . morality is a unique, sui generis realm. If it is unique, its uniqueness must be defined by some general formal criteria, so our metaethical conception is formalistic. Like most deontological philosophers since Kant, we define morality in terms of the formal character of a moral judgment, method, or point of view, rather than in terms of its content. Impersonality, ideality, universalizability, preemptiveness, etc. are the formal characteristics of a moral judgment.²

Kohlberg goes on to argue that justice is the only ethical principle which can meet the requirements of a formal definition of morality in all respects.

If we admit the formalist claim, then the intuitionist claim is superfluous. The formalist claims to be able to say what the unique characteristics of an item are that set it apart from all others. Together these characteristics constitute the form or essence of the item. According to the formalist claim, in any situation these characteristics are

not merely creatures of our manner of representation, but have a status apart. Our representations copy the formal nature of the item rather than contribute to it. This means that when we are able to represent something formally, then we can claim to know it as it really is in its essential nature.

Intuitionism and formalism have no necessary connections. However they both agree that subjective apprehension corresponds to or copies from objective reality. They also both offer guarantees of knowledge. The guarantee intuitionism offers is the intuitive feelings of correctness or self-evident apprehensions which we have. These feelings or apprehensions replace the need for a rational consideration of the evidence. The guarantee formalism offers is in the form that is attributed to the item. Once the form is spelled out, evidence has to be assimilated to the form or passed over as irrelevant. Since the assumption is that the form is equivalent to the general or essential nature of the item, what does not fit into the form can only be ignored.

The open question is whether we can directly perceive the form of items in the real world. Is the analogy with formal logico-mathematical knowledge appropriate? Formalism suggests that we can directly incorporate the forms of items into our judgment. Kohlberg claims to have done this with the moral. If he can sustain his claims that (a) morality is equivalent to

those formal characteristics he has indicated and (b) he arrived at these characteristics by perceiving what was to be found in the real world, then his approach to other cultures is justified. If the essence or form of the moral is justice, then all morality can properly be considered in its terms.

a. Natural and Formal Logic

Kohlberg draws on two very distinct traditions in his thinking about the nature of the moral. They are the deontological and pragmatic-constructivist traditions. I have suggested that his conception of intuition comes primarily from the deontological tradition. The pragmatic-constructivist tradition is basically anti-intuitionist. Appeals to intuition as a source or guarantee of knowledge are not given great weight.

Kohlberg's formalism cannot be so easily assigned to one tradition. Kohlberg believes that both sources are formalist.³ Kohlberg thinks that deontological moral philosophers since Kant have tended to be formalists.⁴ He sees himself as continuing this tradition. Equally Kohlberg believes that Jean Piaget belongs to a formalist tradition. This is because he equates structuralism with formalism.⁵ As we shall see, this identification of Piaget as a formalist is not his alone. What is necessary to ask is whether it is a correct one.

Jean Piaget is a structuralist.⁶ But structuralism is not necessarily formalism. Structuralist claims vary greatly.

The minimal claim of structuralism is that understanding is internally patterned. An example of internal patterning comes from the language-learning of children. If a child says, "Nobody likes me," it is impossible to know whether the sentence is a result of internal patterning. The child may have simply memorized the sentence or followed externally given rules for constructing the sentence. However when a child consistently forms negatives by saying such things as "Nobody don't like me," this is clearly not a memorized form or a result of following externally given rules. Rather it is a matter of the child forming sentences according to grammatical rules of his own construction. He patterns his speech according to the incomplete grammatical rules he has devised to approximate what is found in his linguistic environment.⁷

Other familiar examples of the patterned nature of our thinking range from the ticking of the clock we do not hear until it stops to being able to learn the concept "Italian" more quickly if we already understand the concept of "Frenchman."⁸ In each case, events or concepts are organized in understanding and treated according to what are considered the significant common features. The external world does not impose the pattern. Internal recognition and organization of conceptual relationships is required for its existence.

The minimal claim of structuralism that understanding

is internally patterned is not particularly startling. It seems only common sense that our concepts would help us to treat similar events or experiences similarly. The importance of the minimal structuralist claim lies in its historical context.⁹ Until recently, associationist theories of understanding held sway. Understanding was believed to be a matter of associating events or stimuli. Patterns found in understanding were thought to be imposed from the outside by a history of associations. Little transfer of learning was expected from task to task as the history of associations was thought to be more important than the tasks' common features. The qualitative difference between understanding complex and simple concepts was for the most part ignored as complex concepts were considered to be little more than quantitatively greater packets of simple, discrete associations.¹⁰ In this historical context, the discovery that individuals employed strategies of action or understanding which resulted in internally patterned responses had considerable impact.

Some structuralists however go far beyond this minimal claim. Structuralism is equated with formalism. The formalist asserts much more than that understanding is internally patterned. He claims that the pattern is based on structures of understanding apart from the particular pattern. The structure is an abstract form which imposes the pattern on a

particular content. This is what occurs when an engineer builds a bridge. Upon learning the desired size of the bridge, determining the construction materials available, etc., the engineer calculates the distribution of stress according to geometric formulae. The geometric calculations structure the plans for the bridge, but they are in no way drawn from them. The engineer could just as well have employed the formulae in the planning of some other construction.

The formalist claim is that the key patterns in action and understanding fundamentally flow from, not generalize to, the structures. This is what happens in mathematical proof and other deductive systems. For instance, a person cannot be said to really have conclusively shown the relationship among the sides of a right triangle if his assertion that the sum of the square of the sides is equal to the square of the hypotenuse depends on calculations involving a right triangle with sides of 3, 4, and 5 units. No amount of induction from measurements of existing right triangles can prove the constancy of the relationship. However once the Pythagorean theorem is proved, the individual knows the relationship which holds between the sides of all right triangles even if he has never measured a single one. His knowledge of the formal relationship can properly structure all actual experience with right triangles.

Kohlberg is a formalist. He makes the same sort of

claims for the truth of his stages of justice that geometers and logicians make for their proofs. Consider the following:

The claim we make is that anyone who interviewed children about moral dilemmas and who followed them longitudinally in time would come to our stages and no others*. . .

Second, in claiming that the stages are "true," we mean that the conceptual structure of the stage is not contingent on a specific psychological theory. They are, rather, matters of adequate logical analysis. By this we mean the following:

1. The ideas used to define the stages are the subjects', not ours. The logical connections among ideas define a given stage. The logical analysis of the connections in a child's thinking is itself theoretically neutral. It is not contingent on a psychological theory any more than is a philosopher's analysis of the logical connections in Aristotle's thinking.
2. The fact that a later stage includes and presupposes the prior stage is, again, a matter of logical analysis, not psychological theory.
3. The claim that a given child's ideas cohere in a stagelike way is a matter of logical analysis of internal connections between the various ideas held by the stage.

In short, the correctness of the stages as a description of moral development is a matter of empirical observation and of the analysis of the logical connections in children's ideas,* not a matter of social science theory.¹¹

What Kohlberg offers us here is the formalist claim that the patterns found in understanding flow from, not

* My underlining

generalize to, structures. Otherwise he could not assert that only his stages adequately describe what is found empirically. If the structures were identical to the patterns and a matter of generalization, Kohlberg could only induce general relationships in moral understanding. His stages would be subject to revision dependent upon what further research revealed. He would be in a similar position to a person who has measured the sides of a right triangle, squared them, and found that the sum of the two squared sides equalled the square of the hypotenuse. Any general and necessary relationship could only be inductively hypothesized from what has been found empirically.

No geometer can be accused of cultural bias or ethnocentrism in his proof of the formal relationship among the sides of a right triangle. Such a proof has a necessary status independent of climate or culture. Kohlberg in asserting that investigators who interviewed children about moral dilemmas "would come to our stages and no others"¹² because the stages are a matter of logical analysis is making the same claim. Kohlberg is a geometer or logician of moral understanding.

Kohlberg's claim of necessity for his stages comparable to the necessities of logical analysis is both surprising and open to challenge. Clearly Kohlberg has formulated his stages by a process of induction. Furthermore, only the highest stage of moral judgment could be considered to have a necessary form.

Deductive necessity cannot be attributed to the lower stages in that they all involve confused reasoning and internal contradictions. As Kohlberg explains it, stage advance comes through a process of highlighting the contradictions involved in the lower stages.¹³ Why then does Kohlberg attribute a necessary status to the lower stages of moral judgment? Formalist claims of necessity are normally associated only with internally adequate forms of reasoning.

A partial answer may lie in the influence exerted on Kohlberg by Jean Piaget. A major concern of Piaget has been the investigation of the development of logical thinking from birth to maturity. Piaget has suggested that mature forms of judgment depend on a logico-mathematical structure known as the Klein four-group.¹⁴ He has tried to establish the steps by which individuals construct this structure in their thinking. This has led to his theory that individuals first construct the semigroups (groupings or partial assumptions) constitutive of the Klein four-group. Then they combine these to achieve mature, logically adequate thought.¹⁵

Piaget has wanted to uncover and describe the logical development and nature of our thinking. To do this he has employed logico-mathematical representations made available by the work of logicians and mathematicians. Occasionally he has speculated about what will be found empirically based on

what is formally necessary. For instance, several of the semi-groups (groupings) he expects to find constructed in childhood are hypothesized on the basis of what is required for the Klein four-group without accompanying empirical evidence of their existence.¹⁶ This has raised the question as to whether formal necessities indicate empirical realities.*

To understand Piaget's view of this matter, it is important that we distinguish as he has between natural and formal logic.¹⁸ Logic is the science of correct reasoning. At its most abstract and formal level, it is the science of reasoning correctly from stated axioms to deduced conclusions. Given the assumptions of Euclidean geometry, the relationship among the sides of a triangle can be necessarily deduced as in the Pythagorean theorem. Formal logico-mathematical knowledge exists apart from the real world. It has an ideal status. Conclusions follow necessarily from a set of coherent and consistent axioms. Formal logic is the logic of axiomatic systems.

Natural logic is the science of reasoning correctly in the real world. It is only secondarily a matter of reasoning

* In the case of Kohlberg, formal necessity is attributed even to the steps leading to mature or logically adequate thought (or his stages would not be only a matter of logical analysis of collected data).¹⁷

from stated axioms to deduced conclusions. It is first of all a matter of how we construct our axiomatic systems and establish the rules which later constitute the axioms of our thinking. Long before the Pythagorean theorem was given, the relationship among the sides of the triangle was known. It was induced that this relationship held for all triangles of an unstated type. An aim of early geometers then was to state the conditions or assumptions under which this relationship was a necessary one. Only when Euclidean geometry was formulated did the assumptions governing the relationship proved in the Pythagorean theorem become clear.

Establishing the axioms at the base of coherent deductive systems is an aim of natural logic. This enables construction of axiomatic systems or structures which can be used to organize adequate thinking about the world. However this does not mean that correctly inducing the axioms which make some condition deductively necessary establishes these as the rules which govern the world. Successful formulation of Euclidean geometry did not mean that all right triangles which could be drawn in the real world had to conform to the Pythagorean relationship. Albert Einstein with his use of Riemannian geometry has shown that the larger universe does not conform to Euclidean assumptions. Right triangles drawn on balls, or wherever space is curved so that parallel lines intersect, do

not necessarily have sides where the sum of the squares of two sides equal the square of the third.

Piaget's concern is with natural logic. He strives to investigate how the rules governing formal logical or mature deductive thinking are constructed. A major theoretical suggestion by Piaget has been that the assumptions of the Klein four-group are what is necessary for mature deductive thought. Furthermore, according to Piaget, certain prior relationships (the groupings) have to be understood if this structure is to be constructed. However Piaget does not believe that the requirements of formal relationships automatically indicate corresponding empirical realities. At most they are merely suggestive of what may be found. They give leads as to what to look for and where to invest one's effort. Kohlberg can claim to be following Piaget in saying what might be found empirically given certain formal relationships. But he departs from Piaget in his attribution of formal necessity to the way moral judgment actually develops (an attribution which is required if his stages are to be considered a matter of logical analysis of collected data).

Deductive necessity is a property of axiomatic systems such as exist in formal logic. Its attractiveness as a goal of thinking lies in the absolute guarantees attached to conclusions given appropriate axioms. A major stumbling block

in the achievement of correct reasoning about the world is in starting from the proper axioms. For instance, no amount of deductive necessity could guarantee the correctness or larger truth of physical descriptions of the universe based on Euclidean geometry. Its axioms simply do not hold at certain levels of description.

It is a lesson of the history of science that the faults of many theories derive from their assumptions, not the internal consistency of their formulations. Scientific advance often results in a revision of the basic assumptions. Of crucial interest is what this indicates about the nature of understanding. The formalist assumes that there is some set of axioms which would provide the basis for entirely correct thinking about the world. If he has not now discovered them, surely it is at least possible that somebody would.

This is the basis on which Kohlberg can claim that his stage theory alone properly describes what exists empirically.¹⁹ What could simply be interpreted as a lack of humility on Kohlberg's part is something really very different. It is part of the formalist claim that there is some system of deductive necessity which corresponds to or copies from the real world. Kohlberg believes that his stage system is the one that does for moral development as he knows of no other having greater adequacy. But what should be said about this

belief that there is some axiomatic system which is uniquely correct in its apprehension of the world?

b. Intuition, Copy Theories, and the Simple

The belief of the formalist is that formal logic has the potential of completely replacing natural logic. According to this view, knowledge is a matter of knowing the axiomatic system which conforms to or copies from the world. Once this axiomatic system is identified, then the value of continued induction sharply decreases. Continuing to spin out alternative axioms would be just a game as action would be properly guided only by employing the one axiomatic system which corresponds to the rules governing the world.

There is perhaps a natural tendency to think our understanding can (and perhaps does) correspond to the world as it really is. For instance, our visual experiences seem to be of this type. We look and see a chair. There seems to be no doubt that it is a chair. Vision seems to provide us with an immediate knowledge of the world around us. If we close our eyes and remember what we have just seen, the resulting visual image appears to be a direct copy of external reality. It is easy to go from our ordinary visual experiences to assuming that knowledge is only a matter of being careful in our observations and consistent in our deductions. Theory,

supposition, and alternative axiomatic systems (ways of looking at things) seem to enter in only where there is no direct visual presentation of the object of study.

Unfortunately this portrayal of the nature of knowledge is substantially lacking even in the field of vision. As one researcher comments:

. . . internal representations are not, however, at all like the corresponding optical images on the back of the eye. The retinal images of specific objects are at the mercy of every irrelevant change of position; their size, shape, and location are hardly constant for a moment. Nevertheless, perception is usually accurate: real objects appear rigid and stable and appropriately located in three-dimensional space.²⁰

What we sometimes think of as copies of external reality are in fact tremendously complicated creations of organizing intelligence. If our visual images do provide us with an accurate and detailed picture of external reality, it is not done as a single copy.

Arguments against the notion of our ideas being copied directly from the external world have long featured reference to vision. C. S. Peirce, in his discussion of intuition called attention to the blind spot the human eye has nearly in the middle of the retina, "the filling up of which must be the work of the intellect."²¹ Also noted is the two-dimensional nature of the retinal image as opposed to the three-dimensional

nature of the objects we see. But if our naive notions of vision contribute to copy theories of reality, it is not the case that they can be disposed of automatically as we learn more about vision. Rather copy theories get more sophisticated in their assessments of what is being copied and how.

Sophisticated copy theories recognize the complexity of our everyday experience. Copying is not considered to occur at the level of most of our cognitions. Rather an attempt is made to separate those cognitions which are direct and dependable representations of the real from those which are not. It is assumed that there must be a level in experience where cognition is absolutely dependable. Errors in understanding are attributed to the difficulties encountered in going from the basic level to more complex or higher levels. The basic level is thought to contain the elements or "simples" of experience on which all knowledge can be properly grounded. The idea of the simple is the belief that at some level of experience, things are apprehended as they really are. Names can be tied directly to these elementary apprehensions. These names can be combined in sentences to form assertions about the real world.

For some such as the early Wittgenstein, the idea of the simple is treated mainly as a logical necessity if

propositions are to have a definite sense.* Little attempt is made to say what the absolutely dependable elements of cognitive experience are. For others, the simples of experience are identified with sense-data. This is the case with the philosopher A. J. Ayer.**

Ayer in The Foundations of Empirical Knowledge identified the elements or simples of experience with sense-data. The level of sense-data is the level of absolutely certain knowledge. While object-words such as "chair" are considered to be convenient and conventional descriptions or complex

* The early Wittgenstein cited the idea of the simple as a logical necessity in his "picture theory" of knowledge.

It seems that the idea of the simple is already to be found contained in that of the complex and in the idea of analysis, and in such a way that we come to this idea quite apart from any examples of simple objects, or of the propositions which mention them, and we realize the existence of the simple object--a priori--as a logical necessity.²²

** An example in psychology of the quest for the simple was the attempt by E. B. Titchener to identify the elementary sensations of the human mind. He suggested that there were about 35,000 elementary sensations of color, 11,000 of tone, 4,000 of taste, etc.²³ Titchener's attempt may seem quaint today. But the underlying epistemological assumptions continue with us in other copy theories.

organizations of sense-data, the sense-data themselves can be named and constitute the simple.

. . . if one uses a sentence such as "this is green" merely to designate a present sense-datum, then no proposition is to be asserted to the truth of which any further evidence would be relevant.²⁴

Ayer was certain that sense-data provided the building blocks of empirical experience. While we might organize the blocks this way or that, the blocks themselves are provided in a clear and distinct manner.

Ayer's failure was not to see that what is named in one instant of time must be re-identified at all other times of usage. This re-identification requires us to engage in continual judgments as to what are the relevant features in each moment of experience. What is the exact shade of green in time x may not be the same shade of green in time y. Yet the person may use the same expression 'This is green' for both. In fact no meaning exists until two occasions are connected. If our expressions were tied only to a single occasion, they would not be more than ejaculations. It is not important whether these occasions are tied together only in memory or with the help of external reality, context or further evidence is required. What I consider green now must be compared with what I considered green then or at all times if the expression 'This is green' is to have meaning.

Since we have to continually re-identify the content of our expressions, the notion of the simple is considerably undermined. Rather than our knowledge being based on copying whatever constitutes the simple, it may be that our knowledge is based on supposition. It may well be that the expression 'This is green' operates according to our decisions as to what we identify as constituting its meaning. We start out by identifying what we are experiencing at time x as green and then judge something at time y as green or not depending on what we suppose are the consequences. If I am at a stoplight, the contrasts and consequences of identification may be sufficiently clear that I am able to decide very quickly whether the expression 'This is green' is appropriate. If I am painting a picture of summer with its various shades of green, I may decide that the expression is not sufficiently sensitive for appropriate use. So I may attempt finer distinctions. And in this view, there is no known exact limit on the fineness of the distinctions that can be made. We try them out and reject or accept them according to whether we accomplish our purposes.

Piaget rejects the notion of the simple. He writes:

The essential starting point is the fact that no form of knowledge, not even perceptual knowledge, constitutes a simple copy of reality, because it always includes a process of assimilation to previous structures.²⁵

This is to say that we do not know green just because there is green in the environment. Rather we come to know what green is because we have an initial sensitivity to something that can be developed and eventually differentiated as green. Our initial sensitivities come from our ancestors by way of our bodily and cultural apparatus. If we try to trace these sensitivities back we find that

no schemata* ever has a clear-cut beginning: it always derives, by means of successive differentiations, from a series of earlier schemata having their origin far back in reflex or spontaneous movements.²⁶

In consequence:

Knowing does not really imply making a copy of reality, but, rather, reaction to it and transforming it (either apparently or effectively) in such a way as to include it functionally in the transformation systems with which these acts are linked.²⁷

The lack of a clear starting point or the simple can be troubling. There is a natural tendency to look for a sure foundation in the pursuit of knowledge. If we know where to start or end, then the journey along the way can be considerably easier. If we have a judgment that does not rely in some way on another of our judgments, then absolute objectivity is achievable in at least a limited fashion. We shall have

* A "schemata" is the internal general form of a particular cognitive activity.

something to grasp and hold on to as we work to bring the rest of our judgments up to the standard of objectivity there established.

The pragmatic philosopher C. S. Peirce also rejected the idea of the simple. He argued that even if we have intuitions,* we have no way to distinguish them from cognitions determined by other cognitions. This is because such knowledge would have to be derivative, not intuitive. The knowledge that our first cognition was a cognition not determined by others is itself a cognition relating to and determined by the first cognition. Peirce then denies what the early Wittgenstein affirmed as a logical necessity. Peirce denies the existence of simple objects--at least knowable simple objects.

* Peirce defines "intuition" in the following way:

. . . just as a conclusion (good or bad) is determined in the mind of the reasoner by its premise, so cognitions not judgments** may be determined by previous cognitions; and a cognition not so determined, and therefore determined directly by the transcendental object is to be termed an intuition.²⁸

** "Judgment" here is used in the sense of stipulative judgment. If we define what will count as correct or true as we do in ideal languages (e.g. mathematics), then we can obviously judge what is absolutely correct by following the rules set out.

Moreover we know of no power by which an intuition could be known. For, as the cognition is beginning, and therefore in a state of change, at only the first instant would it be intuition. And, therefore, the apprehension of it must take place in no time and be an event occupying no time. Besides, all the cognitive faculties we know of are relative, and consequently their products are relations. But the cognition of a relation is determined by previous cognitions. No cognition not determined by a previous cognition, then, can be known. It does not exist, then, first, because it is absolutely incognizable, and second, because a cognition exists only insofar as it is known.²⁹

The idea of the necessity of relationship for the existence of knowledge is fundamental and of great importance to the pragmatist Peirce and the constructivist Piaget. Knowledge always consists of two parts. There are the tools from previous experience that we bring to the particular judgment. Then there is the content or intended referent of the particular judgment. These two parts of knowledge are inextricably bound together. There is no going outside the relationship to intuit the intended referent apart from the tools derived from previous experience. Such a journey, in its turn, would involve previous experience if it were to be knowable. At most there can only be a continuing attempt to contrast the tools from the content by variation over time.

Knowledge is in one sense supposition for Peirce and Piaget. We apply the tools that we suppose will be responsive

to the particular situation. Whether this is in fact the case depends on whether our suppositions are adequate to the demands of the situation. If they are, then we can be said to have achieved knowledge in one sense. It will not be knowledge that can be contrasted with mere opinion in the way Kohlberg contrasts the two. The notion of knowledge as supposition adequate to the demands of the situation involves a tentativeness in our assertions equal to the openness of the quest for knowledge. Peirce and Piaget believe that we are essentially theory-makers, not creatures who have attained final truth. Knowledge cannot be reduced to only collection of data and logical analysis in the way that Kohlberg in his formalism suggests leads to truth. Knowledge always involves questions of the way we collect and organize or analyze the data that give our claims of truth a limited or tentative nature.

c. Schemes and Family Resemblances

Piaget does not advance or support any doctrine of the simple. Even if he did, the simple would not be found at the level of statements such as 'This is green'. Such statements are tied too closely to particular human languages. Piaget believes that particular languages are products of a general symbolic function.³⁰ Languages are an enabling feature of intelligence, but they are not a necessary feature.

Linguistically incompetent people (i.e. deaf-mutes) can function in an intelligent and sophisticated manner without the enabling tool of language.³¹ While they may not divide the color spectrum at the exact points English speakers do, the differentiations they make enable them to function quite adequately. They think, but without access to normal human language.

According to Piaget, access to language is not required because the organizing function of intelligence is rooted in our sensory-motor actions.³² Both our words and our mental images are at least initially something additional in thought, not something necessary. Initially our thinking is equivalent to our sensory-motor actions. Only later in development does thought become internalized and the symbolic function become highly important. The symbolic function allows us to act outside the presence of the external event. Language is part of the symbolic function and contributes to it. But language is not required for us to have a conceptual understanding of the world.

If Piaget had a simple, it would involve his notion of a scheme. A scheme is the "internal general form of a specific knowing activity" which is "the generalizable aspect of coordinating actions that can be applied to analogous situations."³³ For instance, neonates have grasping reflexes.

If something brushes the palm, the hand will close almost automatically. As infants interact with the world, they apply this ability to grasp to the different objects in their environment. They also coordinate this ability to grasp with the ability to see, hear, etc. This interaction with the world in which the infant consolidates an activity through repetition and extends it by application to other objects generates schemes. Where the activity involves grasping, there is a scheme of grasping or prehension.

If Piaget had a notion of the simple, we might well expect that all schemes of grasping would be the same. Whatever was generalized would be the same in all cases. There would then be a basis for equating the thesis of A. J. Ayer that sense-data are the foundations of empirical knowledge with Piaget's understanding. Even if there is a difference between the two as to the identity of the stratum giving rise to our generalizations, there would be agreement that the generalizations are guaranteed by their invariance. Ayer reads 'This is green' off of all instances of the supposed sense-datum green. Piaget would follow this essentialist (formalist) thinking by reading 'This is the scheme of grasping' off of all instances of grasping.

But Piaget is not an essentialist (formalist) and does not have a doctrine of the simple. However much he tends

toward speaking of fixed and ideal structures of the mind, he balances this with his emphasis on the variance and adaptive significance of experience. We cannot identify a single thing called "the scheme of grasping" because what constitutes this scheme is determined by experience. What we grasp determines the way we grasp. There is an interaction between our actions and their contexts or the objects on which they operate. A scheme is constituted by two poles or processes. There is assimilation or conformation of the world to our actions and accommodation or conformation of our actions to the world.

Schemes are the generalizable aspects of our actions. But they remain conformed in at least a loose way to the objects in our experience. Thus, although I am an adult, my grasping of screws is sufficiently infrequent that I am somewhat inexperienced when I first pick up a screwdriver and screws. As I practice, I quickly accommodate to the task and become fairly nimble. I differentiate, generalize, and establish the movements required for me to get the screws where I wish them to go. But I have no general scheme of prehension, even as an adult, that gets me through all my tasks.

Schemes, particularly at the sensory-motor level, should not be thought of as essences. Rather the notion of "family resemblances" is more appropriate. This notion comes to us from the later Wittgenstein who had found the notion of simples

in experience to be inadequate.³⁴ Wittgenstein illustrated the notion of family resemblances in the following way:

Consider for example the proceedings we call "games." I mean board-games, card-games, ball-games, Olympic games, and so on. What is common to them all?--Don't say: "There must be something in common or they would not be called 'games'," but look and see whether there is anything common to all, but similarities, relationships, and a whole series of them at that. To repeat: don't think, but look! . . . The result of this examination is: we see a complicated network of similarities overlapping and criss-crossing: sometimes overall similarities, sometimes similarities of detail. . . .

I can think of no better expression to characterize these similarities than "family resemblances." For the various resemblances between members of a family: build, features, color of eyes, gait, temperament, etc., etc. overlap and criss-cross in the same way--And I shall say: "games" form a family.³⁵

According to this notion, other than when it is stipulated that a term can only mean such and such (as we do in ideal languages such as mathematics), the applications of our words are linked by networks of similarities and relationships. No exact meaning can be given in general, say, to "red" because what is red as opposed to green is not necessarily red as opposed to orange. As Wittgenstein says: "Could you tell me exactly what is in common between a light red and a dark red?"³⁶ The notion that red exists somehow in and of itself, a simple or an essence, and distinct from all other colors prior to our

act of distinguishing the colors is mistaken.

Equally the "scheme of grasping" is in one sense a theoretical fiction, useful in its place, but misleading when thought of as clearly defined and singular in meaning without regard for context. Grasping a pin with my thumb and index finger has a limited amount in common with grasping a stationary block with my whole hand or grasping a moving ball with both hands. If we treat schemes as forms or simples, the question of whether there is a scheme of grasping for each or a scheme of grasping that extends to all becomes very important. However if we recognize the limited nature of the notion, this question is diminished in importance. More important than determining exactly what actions are included in the class termed prehensive is how this class of actions is used in the construction of intelligence and reality.³⁷

Wittgenstein's notion of family resemblances has been considered by some philosophers to be a solution to the age-old problem of universals and particulars. I consider it that also. However we must be clear on its implications. It is easy to fall back into the nominalist-realist trap when the attempt is made to articulate the general features of some concept. Particularly this is true when the impact of ideal logico-mathematical languages where we can stipulate exactly what we mean is so great in contemporary scientific inquiry.

According to one analysis, Wittgenstein's solution can be conceived in the following way:

The nominalist says that games have nothing in common except that they are called games.

The realist says that games must have something in common, and he means by this that they must have something in common other than that they are games.

Wittgenstein says that games have nothing in common except that they are games.³⁸

The nominalist is misled by our ability to be entirely arbitrary in our naming as we are in mathematics. We can combine any group of objects, say a chair, a foot, and an apple, and call them "alpha." This type of naming based on stipulation in the absence of similarity and relationship is viewed as representative of how our words are given meanings and classifications formed. But this type of artificial naming is not how we proceed in our natural languages (except in the special case of our natural numbers). The word "chair" is applied to a group of objects on the basis of similarities and relationships. Although the chair in which I am sitting may not have anything exactly in common with all specimens of "chair," there is sufficient relationship for me to start there and end up talking meaningfully about the Speaker's Chair in the House of Commons, lawn chairs, etc.

The realist is misled by this ability to note similarities and follow relationships into thinking that there

must be something that all specimens have in common other than that they are chairs. But what exactly is in common among my chair, the Speaker's Chair, lawn chairs, etc.? If it is the ability to sit in them, then why are not sofas "chairs" also? There is nothing a realist can say about the general nature of "chair" that requires us to deny that sofas are chairs or to affirm that they are. We can include or exclude them according to our purposes and the common use of the word in our particular language. If we went to another society and found sofas classified as chairs, we would not be at all surprised.

In sum we can conclude that:

There is no limit to the number of possible classifications of objects. (The nominalist is right about this.)

There is no classification of any set of objects which is not objectively based on genuine similarities and differences. (The realist is right about this.)

The nominalist is so impressed by the infinite diversity of possible classifications that he is blinded to the objectivity.

The realist is so impressed by the objectivity of all genuine classifications that he underestimates their diversity.³⁹

Wittgenstein's solution is to recognize that our words are constituted by a network of similarities and relationships.

If there is a central meaning that can be given to a word when we are asked to define it, we should not mistakenly think that we have described it completely and essentially. There are always other aspects potentially to be revealed.

Wittgenstein's notion of family resemblances strikes at the root of all formalisms. Forms do not exist in the real world as discrete and simple objects of cognition. They are in part imposed by the individual on the real world. There is a subjective contribution to be found in every cognitive act. In attempting to say what the world is really like, the individual focuses on some aspects of it. The act of focusing can give rise to the feeling that there must be some single correct way of looking at the world. But if Wittgenstein is right, changing of the focus leads to a series of different apprehensions of the world, not to some single focus where all relationships can be seen clearly.

Wittgenstein's view is that of an interactionist. The cognitive process is a matter of interaction between subjective supposition and objective imposition. Piaget is also an interactionist.⁴⁰ He is concerned with how we construct our forms of understanding, not with establishing one form as having absolute priority in understanding. The question then arises as to how it has happened that Piaget is occasionally identified as a formalist. Kohlberg believes that he is following Piaget in equating structuralism with formalism.⁴¹

d. Mental Structures: Forms or Families?

The work of Jean Piaget has been given highly divergent, if not contradictory readings. David Elkind has said that "epistemological relativism permeates Piaget's thinking about the construction of reality."⁴² Carol Feldman and Stephen Toulmin, on the other hand, have argued that Piaget is a formalist and essentialist who mistakes the necessities of logical expression for empirical reality.⁴³ It seems to me unlikely that one can manage (at least consistently) to be both an epistemological relativist and a formalist or essentialist at the same time. An epistemological relativist does not believe that the subjective contribution can be read out of any account of reality. A formalist or essentialist believes that absolute objectivity is achieved in the formal expressions or essential definitions given in an account.

I think the difficulty in interpretation arises from Piaget's fondness for logico-mathematical expression and his use of the notion of structure. Piaget can easily be interpreted as a formalist if it is not recognized that for him the biological use of the term "structure" underlies the logico-mathematical use. Biological structures can be altered by experience without losing their identities. They are part of an evolving world. Formal logico-mathematical structures cannot be. They have timeless validity. New axioms and

recalculation are required if logico-mathematical structures are to be altered. Otherwise they have a definite sense and an unchanging essential nature. This is different from biological structures which have some malleability in the face of new circumstances.

The problem can be immediately seen in the following excerpt from Piaget.

For the scheme of the permanent object that does not depend on the subject's own actions to become established, a new structure has to be constructed. This is the structure of "the group of translations" in the geometrical sense: (a) the translation $AB + BC = AC$; (b) the translations $AB + BA = 0$; (c) $AB + 0 = AB$; (d) $AC + CD = AB + BD$. The psychological equivalent of this group is the possibility of behaviors that involve returning to an initial position, or detouring around an obstacle (a and d). As soon as this organization is achieved--and it is not at all given at the beginning of development, but must be constructed by a succession of new coordinations--an objective structuration of the movements of the object and those of the subject's body becomes possible.⁴⁴

A formalist and essentialist reading of this excerpt would indicate that Piaget believed in some mental structure different from an infant's actions which controlled his actions and could be represented formally as a group of translations in the geometrical sense. As a group of geometrical translations is a timeless and exact structure, no differences would be expected among infants who had this structure in their under-

standing of the permanent object. Any differences found empirically would have to be explained in terms of some blockage or interference with the application of this structure. The difference between infancy and adulthood would not be in knowledge of the essential nature of the permanent object. It would only be a matter of expression. Adults would be able to express verbally (in the formal, geometrical representation) as well as practically what infants are able to express only practically.

Piaget can be read in this way. He even has a notion of blockage in his conceptions of horizontal and vertical décalage (conceptions so ethereal as to cause great problems in translation). But I would like to argue that this reading is a misreading, however much Piaget leaves himself open to it. What is eventually formalized as the geometrical group of translations is not there in infancy as a structure apart from the scheme of the permanent object. The structure is there as an organization of actions, not different from it.

If the organization can be expressed formally, this does not mean that the organization shares all the properties of formal logico-mathematical structures. In fact there is only a family resemblance here. And the reason that there is a family resemblance at all rather than just a resemblance, is not because of the derivation of the sensory-motor scheme of

the permanent object from the logico-mathematical structure of the group of geometric translations. Rather it is the other way around. Logico-mathematical structures, according to Piaget, have their origins in our sensory-motor actions. If they are eventually expressed ideally in terms of formal necessity, this does not indicate that they have no genesis. Nor does it indicate that all aspects of the mental organization have been described when we give it formal expression. Rather we formalize because it helps us to see relationships that otherwise might go unnoticed.

Piaget is no formalist or essentialist because he subverts the very idea of formal structure by arguing that the form of the structure is dependent on and arises out of interaction with the object. Biological structures are adaptive. Logico-mathematical structures are not. When biological structures encounter something they cannot assimilate immediately, they either adapt to the novelty or they go out of existence. Logico-mathematical structures by virtue of being axiomatic systems are not themselves adaptable. They can be adapted by adding or changing something in the initial set of rules, but they themselves are fixed and timeless.

According to Piaget, logico-mathematical structures are dependent on biological structures. This is not meant merely in the sense that without mathematicians there would be

no mathematics and without logicians no logic. Rather logico-mathematical languages are reflective abstractions based on our actions and biological organization. For instance, the notion of order is not to be found in experience apart from our actions.⁴⁵ There is only succession. But structure demands order. Order is first achieved in such sensory-motor actions as prehension. I can extend my arm, open my hand, close my hand around the ball, and raise the ball. Also I can open my hand, extend my arm, close my hand, and raise the ball. What I cannot do if I am to be successful is to open my hand, close my hand, and extend my arm. There are certain sequences required. Piaget firmly believes that this type of action sequence is the beginning of what is later formalized in logico-mathematical languages as number. Order relationships when combined with class give us the concept of number.⁴⁶

The fact that action sequences and logico-mathematical operations are both ordered is in itself no proof of the derivation of the latter from the former. In fact a popular view since Kant has been to account for the former in terms of the latter. It is this view that leads Feldman and Toulmin to systematically misinterpret Piaget as a formalist. They believe that

we develop systematic theoretical representations on which we confer mathematical forms, and then build the observed forms of

empirical phenomena into them. In so doing, we build into the forms of representation, also, a novel kind of formal necessity which has no discoverable counterpart in empirical, physical fact.⁴⁷

Not noticing that Piaget believes that formal representation of something is no guarantee of its necessity or essential nature (unless we are speaking ideally and not realistically), they believe that Piaget is a formalist and essentialist.

Feldman and Toulmin's misunderstanding can be very helpful on two counts. First, in rejecting what they believe in Piaget's formalism and essentialism, they have given us a good account of why Kohlberg's belief that he has identified the ideal form of the good is misguided. It is quite likely that Feldman, Toulmin, and Kohlberg have misread Piaget in the same way. All seem to think that Piaget believes formal expression of mental structures involves the same sorts of necessities and guarantees of correctness that ideal languages possess. Feldman and Toulmin then feel compelled to reject what they regard as outright confusion between the features of empirical reality and logico-mathematical representation while Kohlberg leaps ahead into intuition of the ideal form of the good.

Feldman, Toulmin, and Piaget all agree that the necessities of ideal logico-mathematical representation are no guarantee of empirical reality. They only disagree as to why

this is so. Feldman and Toulmin see such formal expression simply as a reading of the features of mathematical representation into the world. Piaget sees a natural origin to mathematical representation with the consequence that it can be used in the same analogical and metaphorical way that other language is used. An infant who has the scheme of the permanent object "knows" the group of translations not in the necessary way of geometric proof. Rather he knows the group in the practical way necessary if he is to conduct a search for an object not in immediate perceptual contact. Trial and error can always re-establish the group on the practical level in a way not possible in geometric proof. Piaget recognizes this fully. But he does not flinch from mathematical representation because he believes that the relationships eventually represented abstractedly and formally are often first established practically.

The second reason that Feldman and Toulmin can be helpful is that they have been led by what they regard as Piaget's formalism and essentialism to offer a new model for the explanation of qualitative differences in thinking. Piaget's notion of structure has frequently been stated in the formal, logistic way that we noted in his discussion of the permanent object. Once there is this structure in understanding, then on a formalist model we would expect to find it applied to all relevant areas. The formal structure would seem to be the

essential part of the understanding. Whether the object in question was the infant's mother, a favorite toy, or something else would seem to make little difference in having the understanding.

Piaget himself has occasionally seemed to imply that formal structures constitute the understanding with particular content being merely incidental. There is a reason for this. Piaget has no sympathy for the nominalism of associationist psychology. Accordingly he has argued and tried to show that mental advance does not occur in the uniform, additive way as might be expected if association was dominant in understanding. For example, if understanding was a matter of association then we would expect that the technique of searching for a missing object would need to be established individually for each type of object. As mothers and toys differ greatly, it would be expected that there would be little transfer or association of the way to conduct a search when a toy is missing rather than an infant's mother.

In contrast Piaget has argued that understanding often advances by a series of leaps and bounds. To the primarily quantitative increase in understanding of the associationist, he has opposed the notion of qualitative difference. Qualitative difference in understanding is conjectured to be a result of new structures being used to organize the content of

experience. As these structures are put in place, differences in understanding occur across a spectrum of tasks. Piaget would predict a common search procedure for toys and mothers due to a mental structure (the object concept). Piaget has given such structures formal expression. With this, the way is laid open for formalist and essentialist interpretations of his structuralism.

Feldman and Toulmin have suggested the model of populational analysis in evolutionary biology for the understanding of qualitative difference. They note that essentialism was once dominant in biology. Species were conceived in terms of fixed essences. Evolution was rejected because the idea that one species could evolve into another seemed inconceivable. Evolution was only gradually accepted as it was understood that the "traditional, typological definition of a species in terms of its essence was . . . merely a formal abstraction, arrived at by isolating one particular stage in the historical development of an organic population."⁴⁸ When considered in terms of populations, a species is seen to be defined by a family of statistical means or peaks within a wider distribution of characteristics across a population. At times this family of characteristics or the species is stable. The species can be typified in terms of its dominant characteristics. Then occasionally for one reason or another, say

geographical isolation, extinction, etc. of some part of the population, the statistical means undergo radical change and a new species comes about. Qualitative change occurs and can be explained without resort to some mysterious mechanism that changes one fixed essence into another.

The analogy here is with Piaget's notion of structural stages in mental advance. Piaget seeks to explain qualitative change. One type of explanation is the essentialist or the formalist. Changes in the quality of thought are attributed to the replacement of one fixed essence or form with another. If mental structures are to be regarded as formal logico-mathematical structures, then cognitive advance should be holistic and radically discontinuous. A formal logico-mathematical structure is not a structure until it is complete and set. If understanding progresses by means of structures viewed as formal mechanisms on a mathematical model, then Piagetian structuralism may be where biology was with its notion of fixed species.

Feldman and Toulmin suggest that this is indeed the position in which Piagetian structuralism presently finds itself.* Piaget's structural levels of understanding can be

*I have already indicated my belief that Feldman and Toulmin have not understood Piaget's view of logico-mathematical representation. But I agree that too frequently . . . /

viewed as "jumps" or essences radically discontinuous from one another (Table III, Fig. 1, p. 122). Understanding begins on the sensory-motor level. There is a construction of the scheme of the permanent object, interiorization of the symbol, etc. Then understanding leaps ahead to the preoperational level. There is construction of stable categories, attainment of conservation concepts, etc. Then understanding leaps ahead to the concrete operational level. Finally there is construction of all possible combinations of relations, systematic isolations, etc. and understanding leaps ahead to the formal operational level. This is how cognitive advance can be regarded if levels are viewed involving structures of fixed and rigid form.

If this portrait is overdrawn, still there is sufficient truth in it to take it seriously. For instance, the concepts of vertical and horizontal décalage make sense only on the basis of some such portrait. If cognitive advance is a matter of simple application of structures to experience, then some explanation of discrepancies in age of acquiring structurally identical skills is required. Piaget explains discrepancies in the age of acquisition in terms of blockage of

* (cont'd) . . . structural advance is treated as a simple step function which would be expected if structures were fixed essences or forms that simply replaced one another.

Table III

Two Models of Stage Advance*

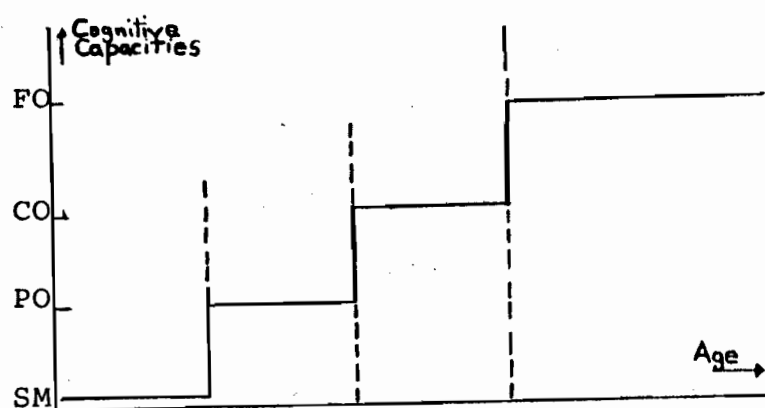


Fig. 1. Simple step function model of stage transition.

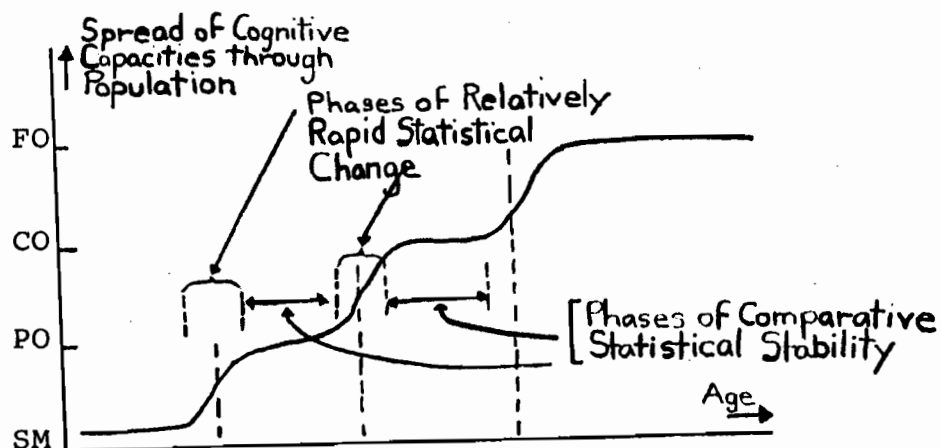


Fig. 2. Sigmoid sequence of stage transitions.

* Source: Carol Feldman and Stephen Toulmin, "Logic and the Theory of the Mind," in Nebraska Symposium on Motivation, 1975, ed. by D. Levine (Lincoln: University of Nebraska Press, 1975), p. 450.

structures. The French word cale means a wedge or a block. In speaking of décalage Piaget indicates there is sometimes a need for an unblocking to occur which will allow the structure to be applied in all relevant domains. Piaget unfortunately does not spend as much time detailing the mechanisms or reasons for this blocking as he does using it to account for the discrepancy between theoretical expectation and empirical finding.

Vertical décalage refers to the fact that there are discrepancies between levels of behavior as to what is known. For example, as previously mentioned, the scheme of the permanent object is constructed in infancy. However it is many years before there is an understanding of the formal expression of the group of translations that is involved in the understanding. What is known on a sensory-motor level is not known on a verbal level. This is also the case even with conservation concepts. A baby as young as eighteen months can exhibit an understanding of the conservation of weight despite changes in shape of a ball of plasticine.⁴⁹ Verbally this understanding comes much later.

Horizontal décalage refers to the fact that there are discrepancies in ages of acquisition of concepts which obey identical structural laws. Verbal understandings of the conservations of matter, weight, and volume should come at the same time. In fact, for Piaget's subjects, conservation of

matter came at 8-10 years of age, weight at 10-12, and volume at 12 years and older.⁵⁰ The delay in understanding at the verbal level among concepts supposedly sharing the same structure is doubly mysterious in that frequently there is an understanding at the sensory-motor level.

We would have no need for the concept of décalage if we did not first believe that there were abstract structures in the mind waiting to be applied to the content of experience. It is for that reason Feldman and Toulmin have said that décalage is a "fiction or artifact" of Piaget's theory.⁵¹

This is not meant in the positive sense used when we called Piaget's notion of scheme a theoretical fiction ("fiction" coming from fictio meaning a making or a forming). Rather it is meant in the pejorative sense of being misleading. The empirical proof that there are mental structures is the evidence that certain thinking skills are closely tied together. But with the concept of décalage we have a theoretical mechanism to invoke to counter exactly what might constitute a disproof of mental structures. The concept of décalage is dangerous because it introduces a circularity to the theory and can explain away evidence contradicting the notion of structure. If we regard structures as abstract essences or forms, we need to be troubled by the undecidability of the question of whether discrepancies in age of acquisition of related concepts are due

to something blocking the application of structures or are simply proof there are no such structures.

Fortunately we need not get trapped in this circularity if we take seriously the notions of family resemblance and populational analysis. I have already noted that the scheme of prehension should be regarded as a matter of family resemblance. Now it is time to suggest that the notion of structure should be regarded in the same way. Structures are made up of clusters of skills. Rather than viewing structures as essences dropped from above onto the content of experience, we should view each structure as being constructed gradually through mastery of a range of skills. Structural advance is as much a matter of the generalization of a strategy to a family of related concepts as it is the application of a prefabricated form. This is not meant to be a reversion to associationism any more than Wittgenstein's notion of family resemblances is a reversion to nominalism. Associationism is purely atomistic in its approach. What is now being suggested is not. With the notion of family resemblances, the expectation is that cognitive advance will have a clustered character. The notion of qualitative difference is retained in this manner.

Feldman and Toulmin suggest that instead of conceiving structural advance in terms of a step function, we should be thinking in terms of a sigmoid or logistic curve (Table III,

Fig. 2, p. 122).

. . . in terms of a populational approach, the family of curves best reflecting the actual realities of cognitive growth will be a succession of sigmoid or logistic curves in which all sharp transitions are smoothed off, reflecting the continuous spread of the new types of skill, either across an age-cohort of individuals or across the spectrum of tasks in a given individual.⁵²

This is what structural advance would look like if structure was conceived as being a matter of the application of a strategy to a family of related concepts. Radical changes in the statistical means of ways of performing tasks would constitute qualitative change.

Of course there will be times of relatively rapid change and times of slower change. Some conceptual strategies have greater chances of success and are more far-reaching in applicability than others. For instance, notions of conservation help us to be markedly more successful in our adaptation to and understanding of the world. When we begin to understand the invariance of one dimension when another undergoes change, it aids us substantially in the successful performance of tasks. It is not at all surprising that we would go on to generalize this strategy. No concept of décalage or blockage is needed if we recognize that we are generalizing a strategy as much as we are applying a prefabricated form.

If certain strategies or concepts cannot be successfully

taught to children of certain ages, this also need not surprise us. A reversion to associationism with its recognition of qualitative difference is not being suggested here. Since conceptual development has a clustered character, it would be expected that there would be resistance to treating one member of the family in a radically different way from other members. Equally with the notion of a cluster or family of concepts, it would not be surprising if a member or so of the family lagged behind the others in attainment or organization. A more adequate notion of mental structure is being advanced than simple identification with abstract, timeless, and ideal logico-mathematical structure.

I do not think that Piaget is to be identified with the formalist and essentialist view of structure. Rather it is an interpretation that can be placed on his work and an interpretation which is helped along by certain features of his work. The concept of décalage may indicate that at times Piaget's thinking has tended towards formalism. But neither it nor Piaget's fascination with formal expression should blind us to the fact that Piaget is misunderstood as a formalist and essentialist. Schemes are the generalizable parts of our actions. They are built up by interaction with the objects of our experience. Derived from this interaction with the real world, they remain conformed to it. There are no entirely general

understandings of the real world, because understanding is shaped by the specifics of experience.

Anyone who has read Piaget's work on mental advance in infancy will likely have no problem viewing Piaget as an epistemological relativist and understanding that there are limits on the formalization of schemes. The interpretation of Piaget as a formalist and essentialist arises more naturally from his work with older children and adolescents where structures are spoken of and frequently formally represented. However if we are to be fair to the overall work of Piaget, we should recognize that the notions of scheme and mental structure are substantially interchangeable.

If Piaget does sometimes seem to trade on the formal logico-mathematical associations of the term "structure," still it is necessary to be aware that mental structures retain the same dependence on interactions with the real world as schemes. At most Piaget tends to use the term "structure" when representing an organization mathematically. The term "scheme" tends to be used when the actual organization of actions is considered. But it is a mistake to think that Piaget believes that there is a mental structure behind the scheme. The scheme is the mental structure. The scheme's conformation to the world is retained in the structure. Piaget is not a formalist because he believes that formal necessity is a feature only of

ideal languages. He thinks that ideal languages have their natural predecessors and origins. For that reason they are very useful in the representation of our judgments about the real world. But Piaget's use of logico-mathematical expression is as much metaphorical exploration as it is rigorous assertion about the real world.

Both scheme and structure should be thought of in terms of family resemblances. No scheme or structure has a general form which is simultaneously shared by all its instances and distinguishes them. Rather the formal representation is one more way that relationships can be noted. Thus the conservations of matter, weight, and volume can be seen to be closely related even if they also retain certain features which result in differences in ages of acquisition.* Differentiation between

* I suspect that most Piagetian psychologists have already recognized and adjusted to this. For instance, Flavell and Wohlwill comment: "There appears to be no reason that the structures d'ensemble could not be looked at as a family of separate structures, each following its own developmental timetable."⁵³ Elliot Turiel has also tried to get away from the notion of global mental structures with his notion of "partial systems."⁵⁴ Even Kohlberg comes close to recognizing the limited nature of the notion of mental structures with his admission that individuals reasoning about justice often exhibit a mixture of stages.⁵⁵ The fact that individuals reason at a single level half of the time with most of the remaining judgments being a stage above or below the dominant stage is regarded by Kohlberg as proof of structure. This is a quite appropriate proof as long as mental structures are not regarded in a formalist manner. The epistemological relativist recognizes that stages are typifications, not essential forms of understanding.

the form of a judgment and its content is only a relative distinction. There is no form concerning things in the real world which can be absolutely abstracted from its content.

e. The Natural Logic of Moral Judgment

I suggest that Kohlberg's claim that justice is the ideal form of the good cannot be sustained. This is not merely because of the possibility that justice may not be the form. The more serious objection is that there may not be any such form, or at least no form which is knowable under present epistemological conditions. The subjective contribution to forms of understanding cannot be eliminated. Forms of understanding are context-dependent and environment-specific.

I agree with those who say that Kohlberg's approach to other cultures with a minimal regard for context is ethnocentric. Indeed I want to go further and suggest that Kohlberg's lack of regard for context has led him to overlook diversity at the level of fundamental ethical principles in his own culture. However before I do, I want to give some context to Kohlberg's work which may help in the evaluation of its significance. Kohlberg may not be able to sustain his claim that he knows by intuition the ideal form of the good. But his work still constitutes one of the best attempts to date to say what the logical requirements of moral reasoning are.

Kohlberg, I believe, overreaches when he claims that only his stages will be revealed by logical analysis of any collected moral-dilemma interview material.⁵⁵ This overreaching should not be attributed to a lack of modesty on Kohlberg's part. Rather I suspect it is due to his failure to adequately distinguish between the formal and actual requirements of thought. Formal expression of the requirements of thought gives rise to the idea that the actual necessities of thought correspond to the deductive necessities of axiomatic systems. Any reasoning that deviates from the preferred form is considered incomplete or immature. What is missed is that no single axiomatic system completely or adequately describes the actual universe of thought. In the case where there are competing axiomatic systems (or perhaps competing maturities) some further criterion is needed to establish correctness.

Jean Piaget embeds a further criterion in his developmental theory from the very beginning. Understanding cannot be judged on formal requirements alone. It must also be judged according to its relationship with its environment or context. Jean Piaget is only secondarily interested in the formal requirements of thought. His first interest is with the actual requirements. His aim is to write a natural logic where correctness is not mere formal correctness, but actual correctness of thought.

Piaget compares the development of reasoning with embryonic development.⁵⁷ At the beginning the embryo is a mass of potentiality. Its genetic endowment is of course species-specific. But the potentialities of development are still very large when the "reaction norm" or range of phenotypes a single genotype is capable of producing is considered. The possibilities normally realized in development are much fewer. The reason for this is that development is channeled. Not all possibilities of development are equal. Embryonic development is channeled along a few select paths by internal organization reacting to specific environmental influences. The biologist C. H. Waddington has suggested the name "chreod" meaning "necessary road" for the relatively few paths normally followed in embryonic development compared to the much larger number of possible paths which could be followed.⁵⁸

The rules in the genetic material of an embryo can be compared to the axioms of an axiomatic system. No result is possible (correct) other than that existing within the rules of the system. But all results reached within the rules are of equal formal necessity. The necessity of a chreod is not the deductive necessity of formal axiomatic systems. It is something else. All possible results are not equal. There is a weighting of results in favor of ensuring that the phenotypes most adapted to the existing environment are produced. The

weighting occurs by means of feedback systems monitoring the interplay between genetic and environmental factors. The weighting does not eliminate the occasional production of less well-adapted phenotypes. However it does reduce their frequency.

Piaget considers natural logic to be an account of the chreodes in logical development. Not all logical possibilities in terms of how we could picture the world are equally realized in actual development. Some conceptions are heavily favored. Even where there is a formal relationship between concepts so that one concept depends on another, the actual path followed in the attainment of the dependent concept often cannot be predicted from a consideration of the formal possibilities. This lack of formal predictability of actual occurrence holds not only within the logical possibilities of some axiomatic system. It also holds in the choice of axioms or assumptions used in thinking. The normal choice or construction of axioms in the development of human judgment is tightly constrained or channeled. In Piaget's words:

The truth, it seems to me, is that every notional or operational construction . . . contains a certain number of necessary stages whose itinerary is the equivalent of a "chreod." . . . Thus, the natural way for the mind to attain the concept of whole numbers consists of syntheses of inclusion of classes and the sequence of transitive asymmetrical systems develop along partly independent lines.⁵⁹

Although the concept of number can itself function as an undefined element in an axiomatic system, the natural way for this concept to be attained is by a synthesis of class inclusions and order relations.

Piaget is concerned with what a formal study of conceptual relationships cannot determine. He wants to say which conceptions are more adequate in terms of guiding action in the world. This cannot be determined by a formal study of the concepts apart from their contexts. It requires a study of the way people actually think and develop.

The fact that people actually think in certain ways does not prove the adequacy of these ways of thinking. It is simply a factor to be considered in the search for adequacy. Greater frequency may actually indicate a lesser adequacy. This would be the case where the way of thinking was a lower stage in the progression to something more adequate. But where axioms differ so that direct comparability is not possible, then frequency can function as a significant indicator of adequacy for a specific context. An example of this is that the Euclidean assumptions of everyday perceptual experience have not been abandoned in that context now that Riemannian assumptions have been shown to be more adequate for the understanding of the universe as a whole.

Kohlberg shares significantly in this quest of Piaget

to indicate the actual or natural requirements of thought. He has attempted to use the way people reason as an indicator of how they ought to reason.⁶⁰ His departure from Piaget is in his assumption that this is possible because actual moral judgments progress towards and are shaped by a single ideal form of guaranteed adequacy. Piaget makes no such assumption. Piaget believes that forms of understanding arise from interaction between the subject and his environment. Adequacy is relative and context-specific. Absolute necessities or guarantees are attached to forms of understanding only when they are extracted from contexts and given ideal status. But this ideal status makes formal necessity a very weak indicator of actual requirements.

Kohlberg gives precedence to the absolute guarantees of formal understanding over the relative necessities of natural logic. Piaget reverses this. In Piaget's view:

. . . from the structuralist perspective the logician's formal systems are wanting in at least two respects. In the first place, they are fabricated ad hoc, and whether this be openly acknowledged or not, what structuralism is really after is to discover "natural structures" . . . But there is a more serious problem: a logical system, though a closed whole with respect to the theorems it demonstrates, is nevertheless only a relative whole; it remains "open" with respect to those formulae which, though recognized as true when one goes "up" to its metatheory, are nevertheless indemonstrable so long as one stays "in" the system;

and, since the primitive conceptions and axioms have all sorts of implicit elements, the system is "open" at the "bottom" as well.⁶¹

The "openness" of formal axiomatic systems is what makes them depend on natural logic as the attempt is made to induce or establish the more primitive assumptions behind the axioms. Once induced, these in turn can be formalized. However there is never a time when all correct reasoning can be explicitly formulated in terms of the deductive necessities of an axiomatic system.

Formal axiomatic systems can be created without limit which precludes claiming that correct reasoning by necessity must be identified with some particular fundamental form.

. . . there is no "form as such" or "content as such," . . . each element--from sensory-motor act through operations to theories--is always simultaneously form to the content it subsumes and content for some higher form. Elementary arithmetic, for example, is no doubt from one perspective a "form," but from the perspective of transfinite arithmetic it is a "content," namely the "denumerable." At each level, formalization of a given content is limited by the nature of this content.⁶²

What determines correctness in natural logic is the relevance of the form of understanding to matters at hand in the real world.

A primary aim of Kohlberg has been to formulate the logic of moral reasoning. He has followed Piaget in looking

first at how people do reason in trying to say how they should. He has found that individuals in his studies use the concept of justice to organize judgment in the moral domain. The prominence actually accorded to justice coupled with Kohlberg's formalist assumptions has led him to identify justice as the ideal form of the good. He feels that he can support this identification with both empirical and formal proof. What Kohlberg seems unaware of is his departure from Piaget when he identifies some form of understanding as the form of understanding. Piaget never makes any such identification.*

I now wish to participate in the formulation of a natural logic of moral judgment. My view is that the significance of Kohlberg's contribution does not lie in his intuitionism and formalism. It lies in his investigations of how individuals actually reason about moral issues. Justice is a major form of moral judgment. Its importance has allowed Kohlberg to identify it as the form of all moral judgment. However I intend to show that the suitability of justice as a form of understanding is context-specific. The context is one where human beings are presumed to be not inordinately selfish or deceptive and where society is considered well-ordered or

* Even the group structure may be "only one among a variety of basic structures."⁶³

progressing towards that state.⁶⁴ This is the context or environment for which justice conceptions are well-suited.

In this dissertation, I am only secondarily interested in deciding whether justice conceptions are in reality adapted to the actual world. My primary interest is in showing that there are other conceptions which a preliminary analysis of the evidence can show as competing with justice in terms of frequency and adequacy. These other conceptions can be viewed as constituting competing axiomatic systems with that of justice. In such cases, adequacy is not a matter of formal determination. It is a matter of adaptation to the world as it is.

It is now necessary to look closely at the form of judgment Kohlberg has established as of major importance in natural logic. Justice as fairness not only has its form of complete rational adequacy. It also includes the steps which lead to this form. Then we can consider some alternatives to justice as fairness.

ENDNOTES

¹ Lawrence Kohlberg, "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development," in Cognitive Development and Epistemology, ed. by T. Mischel (New York: Academic Press, 1971), p. 232.

² Ibid., p. 215.

³ Lawrence Kohlberg, "The Claim to Moral Adequacy of a Highest Stage of Moral Judgment (rev.)," in Essays in the Philosophy of Moral Development (Cambridge: By the Author, 1978), p. 147.

⁴ Kohlberg, "From Is to Ought," p. 215.

⁵ Lawrence Kohlberg, "The Claim to Moral Adequacy of a Highest Stage of Moral Judgment," The Journal of Philosophy, Vol. LXX, No. 18, October 25, 1973, p. 632.

⁶ Jean Piaget, Structuralism, trans. by Chaninah Maschler (London: Routledge and Kegan Paul, 1971).

⁷ Breyne Arlene Moskowitz, "The Acquisition of Language," Scientific American, Vol. 239, No. 5, November, 1978, p. 94B.

⁸ William Damon, The Social World of the Child (San Francisco: Jossey-Bass Publishers, 1977), p. 21.

⁹ J. McV. Hunt, "The Impact and Limitations of the Giant Developmental Psychology," in Studies in Cognitive Development: Essays in Honor of Jean Piaget, ed. by D. Elkind & J. H. Flavell (New York: Oxford University Press, 1969), pp. 11-21.

¹⁰ David Elkind, "Piagetian and Psychometric Conceptions of Intelligence," in Stage Theories of Cognitive and Moral Development: Criticisms and Applications (Cambridge: Harvard Educational Review, 1978), p. 97.

¹¹ Lawrence Kohlberg, "Moral Stages and Moralization: The Cognitive Developmental Approach," in Moral Development and Behavior: Theory, Research, and Social Issues, ed. by Thomas Lickona (New York: Rinehart and Winston, 1976), p. 47.

- 12 Ibid.
- 13 Ibid., p. 52.
- 14 Jean Piaget, "Piaget's Theory," in Carmichael's Manual of Child Psychology, Vol. 1, ed. by P. H. Mussen (3rd ed.; New York: John Wiley, 1970), p. 727 n.9.
- 15 Ibid., p. 727 f.
- 16 John H. Flavell, The Developmental Psychology of Jean Piaget (New York: D. Van Nostrand Company, 1963), p. 189.
- 17 Kohlberg, "Moral Stages and Moralization," p. 47.
- 18 Piaget, Structuralism, pp. 17-36.
- 19 Kohlberg, "Moral Stages and Moralization," p. 47.
- 20 Ulric Neisser, "The Process of Vision," in Image, Object, and Illusion (San Francisco: W. H. Freeman and Company, 1974), p. 2.
- 21 Charles S. Peirce, "Questions Concerning Certain Faculties Claimed for Man," in Charles S. Peirce: The Essential Writings, ed. by Edward C. Moore (New York: Harper & Row, Pub., 1972), p. 70.
- 22 Ludwig Wittgenstein, Notebooks 1914-1916, ed. by G. E. M. Anscombe and G. H. von Wright, trans. by G. E. M. Anscombe (Oxford: Oxford University Press, 1961), p. 60.
- 23 Roger Brown and Richard J. Herrnstein, Psychology (Boston: Little, Brown and Company, 1975), pp. 4-5.
- 24 A. J. Ayer, The Foundations of Empirical Knowledge (London: Macmillan & Co., Ltd., 1940), p. 83.
- 25 Jean Piaget, Biology and Knowledge: An Essay on the Relations between Organic Regulations and Cognitive Processes, trans. by Beatrix Walsh (Chicago: The University of Chicago Press, 1971), p. 4.
- 26 Ibid., p. 9.
- 27 Ibid., p. 6.

28 Peirce, "Questions Concerning Certain Faculties Claimed for Man," p. 66.

29 Ibid., pp. 83-84.

30 Piaget, "Piaget's Theory," p. 711.

31 Hans Furth, Thinking Without Language: Psychological Implications of Deafness (New York: Free Press, 1966).

32 Piaget, "Piaget's Theory," p. 711.

33 Hans G. Furth, Piaget and Knowledge: Theoretical Foundations (Englewood Cliffs: Prentice-Hall, 1969), p. 264.

34 Ludwig Wittgenstein, Philosophical Investigations, trans. by G. E. M. Anscombe (Oxford: Basil Blackwell, 1968), p. 21.

35 Ibid., pp. 31-32.

36 Ludwig Wittgenstein, The Blue and Brown Books (New York: Harper & Row, Pub., 1965), p. 130.

37 See Burton L. White, "The Initial Coordination of Sensorimotor Schemas in Human Infants--Piaget's Ideas and the Role of Experience," in Studies in Cognitive Development: Essays in Honor of Jean Piaget, ed. by D. Elkind and J. H. Flavell (New York: Oxford University Press, 1969), pp. 237-55, for a discussion of the indeterminacy of the number of initial schemas in experience.

38 Renford Bambrough, "Universals and Family Resemblances," in Wittgenstein: The Philosophical Investigations, ed. by George Pitcher (London: Macmillan and Co., Ltd., 1966), pp. 198-99.

39 Ibid., p. 203.

40 Piaget, "Piaget's Theory," p. 703.

41 Kohlberg, "The Claim to Moral Adequacy (rev.)," p. 147.

42 David Elkind, "Editors Introduction," in Jean Piaget, Six Psychological Studies (New York: Random House, 1967), p. xi.

- 43 Carol Feldman and Stephen Toulmin, "Logic and the Theory of the Mind," in Nebraska Symposium on Motivation, 1975, ed. by D. Levine (Lincoln: University of Nebraska Press, 1975), pp. 409-76.
- 44 Piaget, "Piaget's Theory," p. 705.
- 45 Piaget, Biology and Knowledge, p. 164.
- 46 Jean Piaget, Genetic Epistemology, trans. by Eleanor Duckworth (New York: W. W. Norton & Company, Inc., 1970), p. 38.
- 47 Feldman and Toulmin, "Logic and the Theory of the Mind," pp. 430-31.
- 48 Ibid., p. 434.
- 49 T. G. R. Bower, A Primer of Infant Development (San Francisco: W. H. Freeman and Company, 1977), p. 122.
- 50 Flavell, The Developmental Psychology of Jean Piaget, p. 299.
- 51 Feldman and Toulmin, "Logic and the Theory of the Mind," p. 453.
- 52 Ibid., p. 451.
- 53 John H. Flavell and Joachim F. Wohlwill, "Formal and Functional Aspects of Cognitive Development," in Studies in Cognitive Development: Essays in Honor of Jean Piaget, ed. by D. Elkind & F. H. Flavell (New York: Oxford University Press, 1969), p. 95.
- 54 Elliot Turiel, "The Development of Social Concepts: Mores, Customs, and Conventions," in Moral Development: Current Theory and Research, ed. by D. J. DePalma and J. M. Foley (Hillsdale: Lawrence Erlbaum Associates, Publishers, 1975), pp. 9-11.
- 55 Lawrence Kohlberg, "Stage and Sequence: The Cognitive-Developmental Approach to Socialization," in Handbook of Socialization Theory and Research, ed. by D. A. Goslin (Chicago: Rand McNally, 1969), p. 387.

- 56 Kohlberg, "Moral Stages and Moralization, p. 47.
- 57 Piaget, Biology and Knowledge, p. 18 f.
- 58 C. H. Waddington, The Ethical Animal, Phoenix Books (Chicago: The University of Chicago Press, 1960), p. 82.
- 59 Piaget, Biology and Knowledge, p. 20.
- 60 Kohlberg, "From Is to Ought."
- 61 Piaget, Structuralism, p. 30.
- 62 Ibid., pp. 35-36.
- 63 Ibid., p. 23.
- 64 Lawrence Kohlberg, "The Future of Liberalism as the Dominant Ideology of the West," in Essays in the Philosophy of Moral Development (Cambridge: By the Author, 1978), p. 59.

CHAPTER IV

THE PRINCIPLE OF JUSTICE AS FAIRNESS

According to R. B. Brandt,¹ cultural relativism is the belief that ethical opinions held by different individuals or groups occasionally conflict in a very fundamental way. Ethical relativism goes further. It says in addition that sometimes these conflicting opinions are equally valid. Lawrence Kohlberg rejects both cultural and ethical relativism.² He believes that a fundamental form of moral judgment, justice, is employed universally.³ No other fundamental forms of moral judgment are believed to have significant representation in human populations. Kohlberg attributes almost all differences found in moral reasoning to the developmental nature of the principle of justice. In his view, the principle of justice is also the form of moral judgment which is ultimately valid.⁴

Kohlberg has been accused of cultural bias and ethnocentrism in his cross-cultural research.⁵ This is partly because he has gone to other cultures with his tool of measurement in hand. He has not tried to say inductively what the ethical presuppositions of each group are before applying his moral judgment measure. It is possible that the only uniformity he has established is in the responses to his dilemmas, not any uniformity of existing moral judgment. Kohlberg could

invalidate the charge of cultural bias by establishing his standard of measurement, justice as fairness, in some other way than by induction from limited empirical evidence. Two avenues of approach are the intuitionist and the formalist. However as noted in the two preceding chapters, there are serious deficiencies in both.

What remains is perhaps the most significant and enduring part of Kohlberg's work. Kohlberg began his work by trying to inductively say what the ethical premises of a restricted group were. Kohlberg interviewed a Euroamerican group of fifty working-class and middle-class males aged 10-16.⁶ The ethical premises governing the thinking of this and similar Euroamerican groups are the basis for Kohlberg's stages of justice.

In this chapter, I want to examine the empirical basis for Kohlberg's claims about the concept of justice as fairness. To what extent does the concept of justice govern moral reasoning? What is the content of this concept in the actual thought-worlds of individuals? By answering these two questions, the first step in deciding the question of cultural relativism is taken. The premises which apparently govern the moral judgment of a significant number of individuals are articulated. These premises can then be contrasted in later chapters with different premises which may govern the moral judgment of

other individuals. Only when the alternatives in moral judgment have been established, can the question of equal validity be fruitfully raised.

a. Character Traits, Principles,
and Central Organizing Concepts

At first glance, the universe of moral judgment does not seem to be a matter of the application of one or even several concepts to a range of issues or situations. There seem to be an unlimited number of situations with a variety of concepts available to define them. We are concerned with honesty, caring about others, service, tolerance, industriousness, etc. How could a concept or even a limited set of concepts be construed to apply to all of these various concerns? The diversity of situations and relevant concepts seems to militate against the idea that some central concept governs moral judgment.

There are several ways to answer this. Perhaps the best way to begin is the way that Kohlberg frequently has. Kohlberg considers the notion of character traits. In the early part of this century, psychologists thought the study of morality could be best approached by investigating a diverse group of character traits taken to be roughly equivalent to the number of moral concepts we have. For example, honesty was taken to be a matter of honest people behaving honestly in a

situation where dishonesty was an alternative promising potentially greater (more immediate) rewards. If morality were simply a matter of applying the most directly relevant concept to the specific situation, then people should behave honestly according to whether they have been taught the concept of honesty and trained to apply it. Honest behavior should be predictable from situation to situation according to whether the trait of honesty has been inculcated into the character of individuals.

This is in fact not the case. Ability to recognize a situation as involving questions of honesty and dishonesty and verbal appreciation of the value of being honest relate only slightly to actual behavior. An early, very comprehensive study of honesty in children by the researchers Hartshorne and May showed that honest behavior was for the most part situation-specific.⁷ Other studies have also confirmed the fact that the concept of honesty is only a factor in the determination of behavior in situations involving the choice between honesty and dishonesty.⁸ Kohlberg has summarized the findings of the study of honesty as character trait in the following way.

1. You can't divide the world into honest and dishonest people. Almost everyone cheats some of the time; cheating is distributed in bell-curve fashion around a level of moderate cheating.
2. If a person cheats in one situation, it doesn't mean he will or won't in another.

There is very little correlation between situational cheating tests. In other words, it is not a character trait of dishonesty which makes a child cheat in a given situation. If it were, you could predict he would cheat in a second situation if he did in a first.

3. People's verbal moral values about honesty have nothing to do with how they act. People who cheat express as much or more disapproval of cheating as those who don't cheat.⁹

All of this does not mean that honesty is not an important concept in the definition of moral situations. What it means is that the consideration of honesty is not the overriding conceptual factor. Kohlberg's claim for justice is that it is the preeminent conceptual factor. Rather than the concept of honesty determining behavior, the concept of justice determines whether a person will be honest or not. Take the case of two persons facing the dilemma of whether to cheat to achieve some material gain. Both may verbally say that it is wrong to cheat in the situation. Whether either cheats does not depend on the ability to define the situation as involving honesty or the belief that honesty is to be valued. What is most important is how the person defines justice. If the person defines justice as "getting mine," then he is likely to cheat. If justice is defined as allowing everybody to have an equal chance, then he is unlikely to cheat. What Kohlberg and his colleagues have found is that the honesty of a person in particular situations depends more on how he defines justice

than on his affirmation of the value of honesty. Thus persons with more developed conceptions of justice cheat less than do people with less advanced conceptions.¹⁰

The assimilation of honesty to justice is taken to be a paradigm case for a whole range of moral concepts by Kohlberg. Concepts in a similar situation include responsibility, courage, reverence, service, temperance, etc.¹¹ There is no complete list of what moral concepts are assimilable to justice. But most moral concepts are assumed to be. This differs from the character-trait approach where the concepts are thought not only to help define situations, but also to represent the pre-eminent conceptual factors determining action.

Kohlberg distinguishes between a concept like justice which has a preeminent function and authority from those that do not by terming the former a "principle" and the latter "rules." As he explains it:

To be honest means don't cheat, don't steal, don't lie. Justice is not a rule or set of rules, it is a moral principle. By a moral principle we mean a mode of choosing which is universal, a rule of choosing which we want all people to adopt in all situations. We know it is all right to be dishonest and steal to save a life because it is just, because a man's right to life comes before another man's right to property. . . . There are exceptions to rules, then, but no exception to principles.¹²

The concept of justice is preeminent and a better predictor of

behavior because of its ability to resolve situations of conflict between specific moral rules.

Kohlberg's distinction between the principle of justice and rules provokes two types of criticism. First, no concept serves invariably to resolve situations of conflict. If a person's conception of justice determines whether he will act honestly in some situations, it is possible to conceive of cases where this is not true. Indeed it is even possible that for some people the concept of honesty may be more important generally than justice in guiding action. Secondly, the generality or universality of a principle requires a previous understanding of specific rules of behavior. Before a child can understand the nature of a conflict between rules and consider possible solutions, he must understand the rules. This means that justice could not be a principle for persons of all ages. It could function as a principle only after enough specific rules of behavior have been learned so that the notion of conflict and the need for adequate solutions would have meaning.

The first criticism is that of R. S. Peters. Peters points out that concepts such as honesty and courage can override justice in certain situations, or generally for some people.¹³ An example of this is provided by Immanuel Kant.¹⁴ Kant, in an essay called "On the Supposed Right of Telling a Lie from Benevolent Motives," put forward a hypothetical case.

Suppose that a murderer wanted to know the whereabouts of his intended victim. Would it be right to lie in order to save the victim? According to Kant, it would not be. This is because a moral person is to obey the categorical imperative that it is wrong to lie, not take into account the possible consequences of an action. It is of course possible to disagree with Kant's view. The key point is simply that Kant's view is a case where justice is not the determinative concept.

It is possible to go from this specific case to whole lives which have been structured by some concept other than justice, e.g. saints who demand nothing for themselves in dedicating themselves to Jesus, Vishnu, etc. However there is little point in this. Peters' criticism is fully justified insofar as Kohlberg in his formalism tries to maintain that justice is the only concept which could function as a principle. It is less justified in terms of natural logic. The question in natural logic is not what could function as a principle, or even what does in the case of rare individuals. The question is what concepts function as principles across existing human populations. Here the finding is that honesty is not a pre-eminent concept. Rather a better predictor of behavior is a person's view of justice.

The second criticism of Kohlberg's principle/rule distinction has been perhaps most succinctly stated by

Cornel M. Hamm. As Hamm puts it:

Empirical evidence supports prima facie evidence that children learn situation-specific rules of behavior before they grasp the principles which cover a wide range of cases. They learn to walk before they run, so to speak, even in matters of morals. . . . Everyday observations of how children are reared, perhaps even recollections of how we ourselves learned, indicate that someone (likely mother) reminded us over and over again that a and b and c were required and m and n and o were prohibited. Only later, when we grasped principle x and y of which the enjoinders and prohibitions were instances, did we understand why.¹⁵

Hamm believes that Kohlberg has overlooked the reliance of principled understanding on a previous learning of rules.

Again the worth of the criticism is closely related to Kohlberg's formalist views. Kohlberg terms a judgment "principled" in two senses. First, a "principle" is a concept which determines and gives consistency to behavior across a range of situations. I propose that we remember this aspect by using the term central organizing concept interchangeably with "principle." A concept functions as a principle for an individual whenever it has a central place in organizing his behavior. Secondly, the use of the term "principle" is restricted to the most adequate form of a concept. In this sense a concept is not a principle unless it can resolve in the best fashion all possible conflicts between rules.

The two senses can be illustrated by once more considering the dilemma of whether to cheat to achieve some material gain. A person who defines justice as "getting mine" is likely to cheat. Here the concept of justice is functioning as a principle in that the person's cheating behavior is predictable according to his definition of justice. The concept of justice is the central organizing concept of behavior. The concept of honesty is secondary. However from the point of view of correct reasoning about moral issues, the person's understanding of justice is inadequate. A correct understanding of justice requires that everybody have an equal chance. Until a person's understanding of justice achieves adequacy, it is not "principled" in the second sense. To be principled in both senses, the concept of justice must both govern behavior and meet the highest tests of rational adequacy.

Kohlberg does not distinguish between these two senses of "principled." His ordinary use is to restrict the term to the concept of justice when it can meet the major tests of rational adequacy. Thus his highest level of moral judgment is the "principled" level.¹⁶ His highest stage is the stage of "universal ethical principles."¹⁷ Yet the primary proofs that the concept of justice overrides other moral concepts in the actual thought-worlds of individuals are not restricted to individuals employing these highest stages.¹⁸ Thought is

structured or organized even at the lower and less adequate forms of reasoning.

Kohlberg's failure to distinguish between the two senses of "principled" is likely a result of his formalism. In presenting his case for why justice should be considered a principle, Kohlberg refers to the rationally adequate form of the concept of justice. It is justifiable to be dishonest to save a life because the concept of justice as fairness dictates that a person's right to life comes before another's right to property.¹⁹ Justice is a principle because the rules of honesty and right to property can only be properly ordered according to its criteria. What Kohlberg fails to note is that this type of argument establishes justice as fairness as a principle only in its most adequate, formal expression. It does not say why less adequate conceptions of justice should govern behavior as well.

This is where Hamm's criticism can be considered a propos. Hamm correctly calls attention to the necessity of understanding specific rules of behavior before understanding the principle or principles governing their use. As Hamm formulates it, it would seem that this occurs only once in development. This is because from the standpoint of rationally adequate criteria, only the most developed conception of justice can justifiably order the rules. When a person claims

that it is alright to cheat in order to "get mine," this cannot be defended from a rationally adequate point of view in terms of justice. Since children lack the tools necessary for this rationally adequate understanding, Hamm is in agreement with the character-trait psychologists that specific moral rules govern at least the behavior of children.

What Hamm misses (and Kohlberg's failure to differentiate the two senses of "principled" allows him to miss) is that standards of rational adequacy vary at the different stages of development. Justice even in its less adequate forms governs honesty because according to childhood standards of rational adequacy, it is justifiable to cheat in order to achieve some material gain. Hamm correctly points out that a child must learn the rule of honesty before he can understand that honesty is required or justified for more general reasons. Kohlberg's discovery is that it does not happen once in development; it happens a number of times. Honesty as a rule is first governed by the principle of justice understood as submission to coercive authority. Then it is governed by a principle of instrumental exchange or a situation-specific agreement that I will be honest with you if you will be honest with me. Altogether there are six consecutive ways in which honesty can be governed by the concept of justice.

Kohlberg in his contribution to a natural logic of

moral judgment has described these six ways in which the concept of justice organizes thought. He has established these by investigating how people actually reason. Then in his formalism he speaks as if it were logically necessary that in a certain dilemma the right to life takes precedence over the right to property with the result that dishonesty is justified.²⁰ But this is true only for those who share this form of reasoning. This necessity does not exist for those who reason according to the standards of the lower justice stages. At the lowest stage, it may be justifiable to not steal to save a life in order to avoid punishment. Hamm might think that this indicates a simple following of the rule to not steal. But Kohlberg's significant discovery is that this rule is followed not simply because of its own internal force. It is followed because of a child's principle of subordination to authority.

Justice is a principle in moral judgment not just because it can set priority rules conducive to the resolution of conflicts in ways that Kohlberg and Hamm might agree are most adequate (i.e. stealing to save a life). According to Kohlberg, justice governs other concepts in the determination of behavior even when according to his standards it is inadequately conceived. What makes justice a principle is that people use it to govern their judgment.

The fact that a form of judgment is used in the world

says something about its adequacy. In the formulation of a natural logic, considering what concepts could be used to guide action is secondary to determining those that do. The fact that people use justice indicates something about its worth. Additionally the way in which this concept develops shows that not all justice conceptions are to be considered of equal worth. The replacement of the lower forms by the higher gives the observer one reason to think that the higher forms represent, or at least are considered by their users to represent, more adequate thinking. Numerically greater representation is a weak indicator of adequacy. Its use is most important only when the human mind can conceive of endless, internally consistent justifications of behavior. The fact that some standards are preferred in the actual experience of individuals then helps to show which conceptions are most useful in the real world.

b. Defining the Good and the Stages of Justice

So far it has been suggested that some moral concepts have subsidiary roles in thinking and can be assimilated to other, more dominant concepts. This emphasis on the subordination of some concepts to others in actual use is a first requirement for a structural stage theory. It is the requirement that there be some consistency, systematicity, or holism

in thinking. The imposition of holism on the conceptual domain takes place first and fundamentally at the level of individuals and involves individual decision. But it would be a mistake to think that individuals can or do proceed in an arbitrary way. There are laws or regularities of development in the conceptual domain just as there are in the biological.

Stages in a structural-developmental theory are considered to be defined by three or four main characteristics. One rendition of these is as follows:*

1. The particular modes of thought significant for a given stage constitute a "structured whole." As noted, a given stage response on a task does not just represent a specific response; rather, it represents an underlying thought-organization.
2. The stages form an invariant sequence, order or succession in individual development.
3. Stages form an order of increasing differentiation and integration. Higher stages displace (and in another sense, reintegrate) the structures found at lower stages. There is a hierarchical preference within the individual, that is, a disposition to prefer a solution of a problem at the highest level available to him.²¹

Of the three requirements, my major interest is primarily in the first and the third. These two requirements

* There are other renditions with the third requirement considered as two, that is, as qualitative difference and hierarchical integration.²² There are also discussions of the requirements of stages in a structural-developmental theory that depart substantially from these characteristics.²³ But for our purposes what is given is sufficient.

have to do with actual conceptual relations. The second requirement is mainly a matter of age trends. Once we have defined the stages, cross-sectional psychological studies should show that in general a later age predicts to a higher stage. With longitudinal studies, it should be found that all individuals go through the stages in the same order without skipping any along the way. The rate of progress and final destination are unimportant as long as the invariability of the route is maintained.

The first and third requirements are matters of systematization. An individual's selection and use of concepts cannot be found to be arbitrary. Rather there must be patterns of response in the history of an individual over a range of moral problems. The question of pattern, consistency, or systematicity is first of all the question of "structured-wholeness." That is, there must be a pattern of response at a particular time in an individual's life over a range of issues. The changing of this pattern over time leads to a second consideration. When the pattern changes, it must change in the direction of greater adequacy of response to the same range of questions. Otherwise there is no development. What comes before must be replaced by or integrated into what comes later. In other words, there must be hierarchical integration of previous patterns into later patterns. Furthermore the

changing of the pattern must be sufficiently discontinuous that qualitative differences between patterns can be found.

Kohlberg believes that his stages can meet these requirements and have been shown to do so by empirical research. Before we look at the type of prediction and proof that Kohlberg considers supportive of his claims, some discussion of how the stages hang together (structured-wholeness), are differentiated (qualitative difference), and can be ordered along a dimension of increasing adequacy (hierarchical integration) is needed. This discussion can perhaps be helped along by first considering the "definist fallacy." It may be the case that the stages are structured-wholes, qualitatively differentiated, and hierarchically integrated because of a process of definition.

The definist fallacy is "the process of confusing or identifying two properties, of defining one property by another, or of substituting one property for another."²⁴ For example, Kohlberg claims that the concept of honesty as a determinant in moral behavior can be substantially assimilated to the concept of justice. The use and significance of the concept of honesty depends upon our understanding of justice. Therefore honesty needs always to be defined in terms of justice if we want to give a complete account. If it is found to be the case that honesty and justice are independent concepts of equivalent status in the determination of moral behavior, then

Kohlberg can be accused of improper reductionism and of committing the definist fallacy.

The definist fallacy has been a focal point in ethical discussion at least since G. E. Moore as a motto for his Principia Ethica quoted from Bishop Butler: "Everything is what it is, and not another thing." Any time somebody identifies something as something else, there is always the question of the propriety of doing so. It may be that the definition falls critically short of giving a satisfactory account of what something is. Focusing on one aspect may result in the neglect or misevaluation of another aspect.

Moore in his Principia Ethica was concerned with a certain form of the definist fallacy: what he called the "naturalistic fallacy." He objected to definitions of the good that were given in terms of natural objects. For instance, he pointed to the inadequacy of defining the good in terms of pleasure.²⁵ While it is true that many good things give us pleasure, it is also the case that occasionally we have to sacrifice and endure pain for the sake of the good. Therefore to say that the good is what pleases fails to satisfactorily define the good. Moore concentrated his effort on showing how various naturalistic definitions of the good have failed. He then suggested that this was because natural objects were being identified with the good. But, according to Moore, the

good is not a natural object. So any identification of the good with natural objects is bound to fail.

It has since been pointed out that the errors indicated by Moore's naturalistic fallacy are more a matter of inadequate definition than a matter of incorrectly identifying the non-natural with the natural.²⁶ Thus an identification of the good with what pleases us can be maintained if we begin to take into account the complexities of the concept of pleasure. It is quite possible for a martyr suffering torment to take "pleasure" in the sacrifice that is speeding him on his way to heaven. Whether the good is to be identified with pleasure depends to a large extent on how we define pleasure. The worth of Moore's contribution lies considerably in calling attention to the pitfalls of inadequate definition of a concept as complex as the good. Rather than the crucial mistake in past definitions of the good being identification of non-natural with natural concepts, the crucial mistake is that of inadequacy of definition or commission of the definist fallacy.

Kohlberg in his published discussion has not understood this. Intending to draw on empirical research in his definition of the good, Kohlberg cannot agree with Moore that naturalistic definition of the good is always fallacious. Accordingly he has announced that he intends to commit the naturalistic fallacy in the study of moral development and

get away with it.²⁷ However if the key aspect of the naturalistic fallacy is not definition of the good in terms of natural objects but the inadequate definition of the good in terms of natural objects, then there is no getting away with it. Whether Kohlberg has indeed committed the naturalistic fallacy (offered us an inadequate definition of the good) is what this discussion is all about.

Kohlberg has been criticized elsewhere for his lack of understanding of the naturalistic fallacy.²⁸ I do not intend to repeat this critique beyond what has just been said. My interest now is whether the stages of moral development can be usefully understood as a process of searching for increasingly adequate definitions of the good. Each of the stages is constituted by and revolves around a definition of the good. If the stages faithfully describe the process of moral judgment in the minds of individuals, then development may be a process of recognizing the inadequacies of each stage's definition of the good. Moral understanding may advance by a process of definition. Individuals define the good, interact with the world in terms of that definition, recognize its inadequacies, and then try another, perhaps more adequate definition of the good.

Kohlberg's stages constitute six different ways of looking at a range of moral issues. We need to grasp the

center of each stage, or view, recognize its uniqueness, and understand its adequacies and inadequacies. The notion that moral judgment has a center or a focus is the notion of structured-wholeness. Definitions of the good, adequate or not, guide behavior across a range of issues and situations. As inadequacies are discovered in the definitions of the good, individuals come to recognize qualitative differences between definitions. The recognition that some definitions can resolve conflicts other definitions cannot resolve consistently leads to preference for some definitions over others, and the hierarchical integration of the less adequate definitions in the more adequate. As the inadequacies of the definitions are discovered and more adequate ones constructed, individuals achieve better understandings of the good.

Stage 1: Heteronomous Morality.* At this stage, the child defines what is right in terms of the external, concrete results of action. The child is oblivious to or barely conscious of the difference between intentions and results. Thus

* In the stage descriptions that follow, the given version is what Kohlberg today might find essential to each stage. At the risk of misrepresenting Kohlberg, I cite various sources of evidence. My intent is to present the best possible definition of the stages of justice in a limited space.

the making of a large ink-blot on a table-cloth while attempting to help is considered worse behavior than the making of a small ink-blot while engaged in mischief.²⁹ Also events that cause pain or are otherwise undesirable are often construed as punishment by children at this stage even when there is no direct linkage between the events and their own actions. There is the notion that what is bad receives punishment (a bad or undesirable event), hence what receives punishment (a bad or undesirable event) is bad. If the punishment is not directly attributable to an authority, then a notion of immanent justice comes into play. For example, a child who is told a story of a boy who stole apples and then accidentally falls into a river interprets the accident as punishment for stealing.³⁰

The orientation to externals leads the child to attribute authority to adults because of their size, strength, and other power attributes.³¹ It leads the child to justify actions in terms of what external authorities say is correct. Thus it is believed that a child who is unfairly asked to give money to his father should do so because his father is "the boss" and the child must do what he says.³² Accordingly this stage involves a heteronomous morality or a morality oriented to a law laid down by external authority and is frequently referred to as "the punishment-obedience orientation." External authority governs by punishment and reward with the central

organizing concept of morality being obedience to that authority. Where no specific authority can be identified with a rule or a punishment, an authority such as God is posited to explain the existence and necessity of the rule.³³

It should be understood that even a child does not simply "submit" to authority (whoever is larger and stronger or has other power attributes). Thus a neighborhood bully, although powerful and capable of inflicting considerable punishment, is not recognized as an authority by the young child.³⁴ Rather authority is conferred with some discrimination by the child onto persons and rules. The child has a certain autonomy of being right from the beginning. However he does not recognize that he has this autonomy. The bestowal of authority is not conscious. Accordingly once the authority is conferred onto the significant and powerful figure, the commands of this person are treated as defining the good and requiring obedience without further considerations.

The definist fallacy of the first stage is to orient predominantly to physical consequences and the commands of authority figures in the definition of the good. Physical objects and attributes are considered indicative of the good. For instance, the worth of persons is defined by the quantity of furniture owned.³⁵ This orienting to externals and concrete objects in the definition of moral worth and the

adherence to what moral authority prescribes or prohibits are the central features of Stage 1.

The inadequacies of this stage become apparent as the child discovers that external attributes and concrete objects are not sufficient criteria on which to base his bestowal of authority. Also the child comes to recognize that he has a viewpoint of his own as to what should be considered good. This viewpoint may conflict with what authority prescribes. Such conflict leads the child to consider the fact of his own autonomy. It is an autonomy he has possessed all along. But until a number of conflicts arise between what he judges to be good and the commands of authority, he does not recognize his autonomy. His recognition of his autonomy leads to Stage 2.

Stage 2: Individualism, Instrumental Purpose, and Exchange. At this stage, the child defines what is right in terms of his own interests and needs. At the basis of this stage is the understanding that the self is autonomous and must judge what is good independently of what external authority says. There is a shrewdness in moral judgment as the child evaluates what is good. Thus a child who is unfairly asked for money by his father may justify giving the money by noting that his father does things for him.³⁶ Rather than identifying his father as the authority that must be obeyed as he did at Stage 1, the Stage 2 thinker obeys because of the

gain he sees in obedience.³⁷

The evaluation of what is good in terms of how it serves the self is characteristic at this stage. Thus stealing to save the life of your wife may be justified in terms of her cooking for you.³⁸ Service to others may be justified similarly. You may steal a drug for somebody because you assume he would do the same for you.³⁹ There is an exchange of obligations between particular people. This idea of exchange, either positive or negative, tends to be understood very concretely and strictly. Thus stealing to avenge a hurt and in proportion to that hurt is increasingly justified by children who have passed from a heteronomous to an autonomous morality.⁴⁰

The definist fallacy of the second stage is to orient to the satisfaction of immediate needs and desires often by means of a very crude, dyadic exchange relationship in the definition of the good. Social relationships are not securely based here. As everyone is conceived to be looking out for his own immediate interests, there is very little basis for social cooperation beyond the dyad. The exchange of obligations is workable only insofar as the particular problems and relationships permit easy definition and bargaining. As individuals are oriented first to their own needs and only secondarily to the exchange obligations they have undertaken, agreements frequently break down in misunderstanding and

violation of trust. More than at any other stage, there is an identification of the good and the pleasant. This equation of the pleasant and the good is what is frequently criticized in discussions of the naturalistic fallacy. The Stage 2 thinker experiences directly the conflicts generated by such an identification. There are times in life when the immediate needs and concerns of the individual must be sacrificed for the sake of a more distant good. But this sacrifice cannot be justified in terms of Stage 2 thinking.

Stage 3: Mutual Interpersonal Expectations, Relationships, and Interpersonal Conformity. At this stage, the child defines what is right in terms of what is approved by general opinion and his understanding of the intentions of others. Little concern for the opinions of others is found in Stage 2 thinking. At most it is found only at the level of the dyad where the exchange of obligations or services is taking place. Stage 3 thinking represents an advance over Stage 2 because there is a basis for increased stability of exchange. By orienting to how others think and feel about things the Stage 3 thinker can continue relationships despite occasional differences with others in the assessment of what is good. Particular differences tend to be overlooked in the interest of the larger relationship. Friendship is less likely to break down over a particular slight or perceived violation of

trust. Thus stealing and other reprehensible acts can be easily overlooked or forgiven if it is judged that there were good intentions.⁴¹

This orientation to intentions brings with it a concern for the opinions of others commonly associated with early adolescence. Words such as "nice" or "mean" become very influential in the judgment of behavior.⁴² Friendship and interpersonal relationships become so important that there is a willingness to protect a friend who has stolen property even at considerable personal risk.⁴³ While there might be a willingness to engage in such behavior at Stage 2, here the justifying reason is not the pragmatic exchange of protection. Rather friendship is idealized and protective behavior justified with little thought of reward or benefit.

If the orientation to intentions in the judgment of behavior represents an advance over the concentration on externals of the first two stages, it also represents a failing. The definist fallacy of the third stage is to orient to intentions to the exclusion of consequences. Thus a person who steals with the best of intentions may be excused even though his stealing injures others.⁴⁴ The dyadic relationship of friendship is solidified at Stage 3 by not making it dependent on particular acts of friendship. But unless societies are sufficiently small so that everything can be worked out on the

basis of friend, family, and other face-to-face relationships, a serious deficiency remains in the resolution of claims. Protecting a friend's identity from the police may serve the friend, but it is a disservice to others in society.

Stage 4: Social System and Conscience. At this stage, the right is defined in terms of the laws of society, the group, or the institution. The conflict present at Stage 3 between friendship and respect for others is resolved by reference to the extant legal code or set of societal values. Here it is understood that good intentions are not enough to justify certain behaviors. In cases where the laws of society are violated, society must be protected by the enforcement of those laws. Easy forgiveness or a willingness to overlook violations threatens society as society is constituted by laws. Thus stealing to save a life may be seen as requiring punishment because that is what the letter of the law requires.⁴⁵ Punishment of such a noble action may be regrettable, but that is part of the tragedy of life.⁴⁶

Stage 4 thinking does not require the identification of an individual's judgment with a written code of laws. What is required is the view that certain laws exist and must be obeyed. Whether they have been given by God, society, or whatever is less significant. Thus it may be thought a moral necessity that a person steal to save a life because all life

is sacred.⁴⁷ What is required is an impersonal application of the rules for the protection of society or for the upholding of the law of God. Stage 4 is the first stage based on an abstract, general understanding of social systems.⁴⁸ Loyalty to friends is subordinated to responsibility to other citizens.

The failure or definist fallacy of Stage 4 is to orient predominantly to what is set out in the legal code or set of societal values in the definition of the good. The good is identified with the existing laws or values. There is no recognition that laws and values change. Accordingly absolute sanction is given to existing laws and values even when they are inadequate and in conflict with other conceptions of the good. The abstract notion of social system underlying Stage 4 represents an advance in organization over Stage 3's grounding in a series of personal relationships. But Stage 4's notion of social system carries with it no mechanism for transformation and exchange. The mechanism for advance beyond Stage 4 resides in the recognition that the laws identified as ultimate may not be. Thus if stealing to save a life is justified even though it violates a law, perhaps automatic imposition of the law's punishment for stealing is not justified. Perhaps by recognizing the limits of existing legal codes, there is a way to avoid compounding injury by punishing what is correct to do. Stage 4 has no mechanism for resolving this sort of conflict.

Stage 5: Social Contract or Utility and Individual Rights. At this stage, the right is defined in terms of the procedures available for resolving conflicts between notions of the good. No longer are laws or existing social values thought of as the good. A distinction is admitted between laws now existing which may be unjust or lacking and those laws which can replace them once ratified by some procedure expressive of societal will. Also rather than behavior being punished according to a literal reading of the law, a calculation of consequences is permitted. Thus a person who stole to save a life may be exempted from punishment if the judge calculates that this will not lead to a widespread outbreak of looting.⁴⁹ The law is respected, but its insufficiencies are recognized.

The definist fallacy of Stage 5 is to orient predominantly to the law and the procedures for changing it in the definition of the good. Thus a law promoting slavery and meeting the procedural test of general societal approval meets the requirements of a Stage 5 definition of the good.⁵⁰ While there is a recognition that laws can be criticized in terms of some higher standard, this higher standard is defined in terms of a procedure of agreement.

Stage 6: Universal Ethical Principles. At this stage, the right is defined in terms of rationally adequate ethical

principles. The indicators and demands of authority, immediate needs and desires, personal relationships, the dictates of law, and the utility and procedures of law are all subordinated to the universal principle of justice. Justice is a matter of respecting the equal dignity of all human beings as individual persons and achieving an equal distribution of rights and duties among persons. Thus unjust laws such as those enforcing slavery are seen as devoid of moral authority due to their lack of respect for the dignity and equality of persons.

Stage 6 theoretically should not involve commission of the definist fallacy. It is the final stage in Kohlberg's hierarchy where the definition of what is good should achieve adequacy. There should be no unresolvable conflicts between notions of the good because there is a procedure for resolving conflicts. The procedure is one of balancing rights and duties among persons. Identification of the good with a procedure at Stage 6 does not involve commission of the same error that was made at Stage 5 because the procedure is ideal. The good can be identified with what should be approved, not with what is approved by societies. Stage 6 thinking supposedly is open to all considerations in the full rational determination of the nature of the good.

c. Kohlberg and the Definist Fallacy

The definist fallacy is a matter of inadequate definition. When two properties are confused or identified, one property is defined by another, or one property is substituted for another, then the definist fallacy is committed.⁵¹ The definist fallacy can be avoided by giving phenomena their descriptive and explanatory due. Improper assimilation of concepts is to be avoided. Justice should be defined as the logic of morality only if it indeed structures all moral judgment.

There is a significant amount of empirical evidence supporting Kohlberg's identification of justice with the moral. In accord with the requirements of a structuralist stage theory, the stages of justice have generally been found to be a matter of structured-wholes, invariant sequence, and hierarchical integration.

The finding that the concept of honesty is secondary to justice in the determination of honest behavior is support for structured-wholeness.⁵² This is because it shows that honesty is subordinate to justice in the determination of behavior. Other concepts investigated with results supportive of Kohlberg's claims include guilt⁵³ and conformity.⁵⁴ Another type of evidence supportive of the notion of structured-wholeness is the finding that subjects comprehend either very

few or most of a number of moral statements representative of a certain stage, rather than some intermediate percentage of them.⁵⁵ Also Kohlberg has reported evidence that subjects use a single stage at least 50% of the time when responding to dilemmas.⁵⁶ This latter type of evidence is also important for establishing stages as qualitatively differentiated. The fact that subjects comprehend very few or most statements at a given stage and use a single stage predominantly in responding to dilemmas is evidence for qualitative difference between stages.

Invariant sequence of stages has been shown by Kohlberg's longitudinal investigation of his original group. All individuals go through the stages in the same order and without skipping any, although final destination has differed from individual to individual.⁵⁷ This invariant sequence, however, does not establish hierarchy. Invariant sequence is merely a matter of succession. Hierarchical integration is succession based on some dimension of increasing adequacy. Thus adulthood invariably succeeds childhood, but viewing a quantity of matter as constant or conserved despite changes in shape hierarchically integrates the understanding that changes in shape mean changes in quantity.

The hierarchical integration of Kohlberg's stages has been shown in a number of ways. First of all, subjects prefer

higher stages over lower even when they do not seem to comprehend them (are not able to reproduce them).⁵⁸ Secondly, subjects can comprehend a highest stage and all preceding stages, but do not comprehend (cannot reproduce) any of the remaining stages. There is perfect cumulative progression in understanding.⁵⁹ Thirdly, subjects can "fake" responses for lower stages than dominant stage use, but they cannot "fake" higher stages.⁶⁰ Finally, in situations where subjects are encouraged to use stages below their own and stages above their own, significant lasting change occurs only in the upward direction.⁶¹

All of this suggests that Kohlberg's justice stages significantly contribute to a definition of the moral. His stage theory meets certain tests of sufficiency. However what exactly is revealed requires close examination. It is not clear that all steps in assimilating the range of moral concepts to justice are equally justified. A significant amount of what Kohlberg defines as constituting the stages, particularly the lower stages, may not have any special relationship to the concept of justice.

For example, identification of moral authority in terms of physical attributes has no intrinsic relationship to justice as far as I can tell. A person passing through this stage may eventually develop the conception of justice Kohlberg identifies as Stage 6. But it is also possible that Stage 1's

form of judgment could develop into other central organizing concepts.

Kohlberg's argument for the identification of justice and the moral is not particularly imaginative or compelling once the intuitionist and formalist elements have been removed. His belief is basically that justice seems to be the only concept capable of functioning as a rationally adequate principle. "We simply point to the fact that no principle other than justice has been shown to meet the formal conception of a universal principle."⁶² In my next two chapters, I shall try to show that there are other concepts of equal power to justice which can function as principles.

I shall do this by looking closely at the central assumptions contained in the most adequate form of the concept of justice as fairness. They are (1) that all human beings are equal in dignity and (2) that all should be treated equally.⁶³ In my view, these central assumptions can be varied so as to generate alternative, rationally adequate principles of moral judgment. By demonstrating that these concepts cannot properly be assimilated to the concept of justice, I hope to clear the way for the study of the development of alternative moralities.

I believe that Lawrence Kohlberg has demonstrated how the study of the moral should proceed. Investigators need to

be simultaneously sensitive to the standards people actually employ in moral judgment and the standards which can be found rationally adequate. However Kohlberg's belief that only justice as fairness meets the tests of rational adequacy is in my view premature. Kohlberg may have committed the definist's fallacy in his definition of the morality of justice and its stages by being too ready to assimilate all data to justice. Demonstration of the existence of alternative moralities would suggest that he has. Additionally it would give support to the belief of the cultural relativist that ethical opinions held by different individuals or groups conflict in a very fundamental way. Where moral systems conflict at the level of premises, some further criterion of adequacy is needed for purposes of ranking. Otherwise choice among competing moral systems is as arbitrary as the ethical relativist believes. However before there is worth in asking what this criterion might be, the existence of alternative principles which could organize competing moral systems needs to be demonstrated.

ENDNOTES

¹ R. B. Brandt, Ethical Theory (Englewood Cliffs: Prentice-Hall, 1959), p. 103.

² Lawrence Kohlberg, "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development," in Cognitive Development and Epistemology, ed. by T. Mischel (New York: Academic Press, 1971), pp. 176-77.

³ Ibid., p. 176.

⁴ Ibid., p. 232.

⁵ Elizabeth Léonie Simpson, "Moral Development Research: A Case Study of Scientific Cultural Bias," Human Development, Vol. 17, 1974, pp. 81-106.

⁶ Lawrence Kohlberg and Donald Elfenbein, "The Development of Moral Judgments, Concerning Capital Punishment," American Journal of Orthopsychiatry, 45 (4), July, 1975, p. 621.

⁷ H. Hartshorne and M. A. May, Studies in the Nature of Character, Vol. 1: Studies in Deceit (New York: Macmillan and Company, Inc., 1928).

⁸ R. Grinder, "Parental Childrearing Practices, Conscience, and Resistance to Temptation of Sixth Grade Children," Child Development, 33, 1962, pp. 802-20.

⁹ Lawrence Kohlberg, "Education for Justice: A Modern Statement of the Platonic View," in Moral Education, intro. by N. F. and T. R. Sizer (Cambridge: Harvard University Press, 1970), pp. 63-74.

¹⁰ M. Brown, K. Feldman, S. Schwartz, and A. Heingarter, "Some Personality Correlates of Conduct in Two Situations of Moral Conflict," Journal of Personality, 37, No. 1, 1969.

¹¹ Kohlberg, "Education for Justice," p. 59.

¹² Ibid., pp. 69-70.

¹³ R. S. Peters, "Why Doesn't Lawrence Kohlberg Do His Homework?" in Moral Education . . . It Comes With the Territory, ed. by D. Purpel and K. Ryan (Berkeley: McCutchan Publishing Corp., 1976), p. 289.

¹⁴ See Alasdair MacIntyre, A Short History of Ethics (New York: The Macmillan Company, 1966), pp. 195-96, for a brief account of Kant's view.

¹⁵ Cornel M. Hamm, "The Content of Moral Education or 'The Bag of Virtues'," Canadian Society for the Study of Education Yearbook, Vol. 2: The Teaching of Values in Canadian Education, 1975, p. 41.

¹⁶ Lawrence Kohlberg, "Moral Stages and Moralization: The Cognitive-Developmental Approach," in Moral Development and Behavior: Theory, Research, and Social Issues, ed. by Thomas Lickona (New York: Holt, Rinehart and Winston, 1975), p. 35.

¹⁷ Ibid.

¹⁸ See (a) R. Grinder, "Parental Childrearing Practices," pp. 802-20; (b) E. H. Ruma and D. L. Mosher, "Relationship between Moral Judgment and Guilt in Delinquent Boys," Journal of Abnormal Psychology, 1967, pp. 122-27; (c) H. D. Saltzstein, K. A. Feldman, M. E. Brown, and A. Heingarter, "Moral Judgment Level and Conformity Behavior," Developmental Psychology 7, 1972, pp. 327-36.

¹⁹ Kohlberg, "Education for Justice," pp. 69-70.

²⁰ Ibid.

²¹ J. Gibbs, L. Kohlberg, A. Colby, B. Speicher-Dubin, "The Domain and Development of Moral Judgment: A Theory and A Method of Assessment," in Reflections on Values Education, ed. by John R. Meyer (Waterloo: Wilfrid Laurier University Press, 1976), p. 20.

²² Lawrence Kohlberg, "Stage and Sequence: The Cognitive-Developmental Approach to Socialization," in Handbook of Socialization Theory and Research, ed. by D. A. Goslin (Chicago: Rand McNally, 1969), pp. 352-53.

- 23 Adrien Pinard and Monique Laurendeau, "'Stage' in Piaget's Cognitive Developmental Theory: Exegesis of a Concept," in Studies in Cognitive Development: Essays in Honor of Jean Piaget, ed. by D. Elkind and J. H. Flavell (New York: Oxford University Press, 1969).
- 24 W. K. Frankena, "The Naturalistic Fallacy," in Studies in the Philosophy of G. E. Moore, ed. by E. D. Klemke (Chicago: Quadrangle Books, Inc., 1969), p. 37.
- 25 G. E. Moore, Principia Ethica (Cambridge: Cambridge University Press, 1903), pp. 68-70.
- 26 Frankena, "The Naturalistic Fallacy," pp. 30-42.
- 27 Kohlberg, "From Is to Ought."
- 28 James Giarelli, "Lawrence Kohlberg and G. E. Moore on the Naturalistic Fallacy," Educational Theory, 26 (4), 1976, pp. 348-54.
- 29 Jean Piaget, The Moral Judgment of the Child, trans. by Marjorie Gabain (New York: The Free Press, 1965), p. 126.
- 30 Ibid., pp. 252-53.
- 31 Lawrence Kohlberg, "A Cognitive-Developmental Analysis of Children's Sex-Role Concepts and Attitudes," in The Development of Sex Differences, ed. by Eleanor Maccoby (Stanford: Stanford University Press, 1966), pp. 101-02.
- 32 L. Kohlberg, A. Colby, J. Gibbs, B. Speicher-Dubin, Standard Form Scoring Manual, Part Three, Form A: Reference Manual (Cambridge: Center for Moral Education, Harvard University, June, 1978), p. 300.
- 33 Piaget, The Moral Judgment of the Child, p. 61.
- 34 William Damon, "Studying Early Moral Development: Some Techniques for Interviewing Young Children and for Analyzing the Results," in Values Education: Theory/Practice/Problems/Prospects, ed. by John R. Meyer (Waterloo: Wilfrid Laurier University Press, 1975), p. 27.
- 35 Lawrence Kohlberg, "The Child as a Moral Philosopher," Psychology Today, Sept., 1968, p. 28.

- 36 Kohlberg et al, Standard Form Scoring Manual, p. 308.
- 37 Ibid.
- 38 Kohlberg, "From Is to Ought," p. 165.
- 39 Ibid., p. 196.
- 40 Piaget, The Moral Judgment of the Child, p. 298.
- 41 Kohlberg et al, Standard Form Scoring Manual, p. 135.
- 42 Kohlberg, "From Is to Ought," p. 198.
- 43 Barry K. Beyer, "Conducting Moral Discussions in the Classroom," Social Education, April, 1976, p. 195.
- 44 Kohlberg, "From Is to Ought," p. 198.
- 45 Ibid., p. 170.
- 46 Lawrence Kohlberg in his "Moral Psychology and the Study of Tragedy," in Collected Papers on Moral Development and Moral Education (Cambridge: By the Author, Spring, 1973), has noted the connection between tragedy and the notion of laws as inexorable forces working their way without regard for circumstance. Kohlberg suggests that tragedy may be rooted in the conflicts generated by a Stage 4 morality where laws are supposed to be upheld at all costs.
- 47 Kohlberg et al, Standard Form Scoring Manual, p. 48.
- 48 Robert L. Selman, "Social-Cognitive Understanding: A Guide to Educational and Clinical Practice," in Moral Development and Behavior: Theory, Research, and Social Issues, ed. by Thomas Lickona (New York: Holt, Rinehart and Winston, 1976), p. 307.
- 49 Lawrence Kohlberg, Standard Scoring Manual, Form A-1 (Cambridge: By the Author, Jan. 30, 1973), p. 56.
- 50 Kohlberg, "From Is to Ought."
- 51 Frankena, "The Naturalistic Fallacy," p. 37.

- 52 Grinder, "Parental Childrearing Practices."
- 53 E. H. Ruma and D. L. Mosher, "Relationship Between Moral Judgment and Guilt in Delinquent Boys," Journal of Abnormal Psychology, 1967, pp. 122-27.
- 54 H. D. Saltzstein, K. A. Feldman, M. E. Brown and A. Heingarter, "Moral Judgment Level and Conformity Behavior," Developmental Psychology 7, 1972, pp. 327-36.
- 55 James R. Rest, "The Hierarchical Nature of Moral Judgment: A Study of Patterns of Comprehension and Preference of Moral Stages," Journal of Personality, 41, 1973, pp. 86-109.
- 56 Kohlberg, "Stages and Sequence," p. 387.
- 57 Kohlberg and Elfenbein, "The Development of Moral Judgments," p. 622.
- 58 Rest, "The Hierarchical Nature of Moral Judgment."
- 59 Ibid.
- 60 C. McGeorge, "The Fakability of the Defining Issues Test of Moral Development," as reported by James R. Rest, "Recent Research on an Objective Test of Moral Judgment: How Important Issues of a Moral Dilemma are Defined," in Moral Development: Current Theory and Research, ed. by D. J. DePalma and J. M. Foley (Hillsdale: Lawrence Erlbaum Associates, Publishers, 1975), pp. 86-87.
- 61 Elliot Turiel, "Developmental Processes in the Child's Moral Thinking," in Trends and Issues in Developmental Psychology, ed. by P. Mussen, J. Langer, M. Covington (New York: Holt, Rinehart and Winston, 1969), pp. 92-133.
- 62 Kohlberg, "From Is to Ought," p. 221.
- 63 Kohlberg, "Moral Stages and Moralization," p. 35.

CHAPTER V

ALTERNATIVE MORALITIES: JUSTICE AS FAIRNESS AND RESPONSIBLE LOVE

Lawrence Kohlberg has identified a natural morality of justice as fairness in a Euroamerican population. The central assumptions of this morality are two in number. They are (1) that all human beings have equal dignity as individual persons and (2) that all should have equal rights.¹ In other words, human beings occupy a common class (persons). All members within that class are to be treated equally. Where treatment cannot be exactly the same because of circumstance and the differentiation of society, equal treatment can be achieved by compensation or reciprocation (e.g. reward in return for effort). This has led Kohlberg to declare:

. . . I hold that the core structure of stages of moral reasoning consists of the set of operations or ideas which define justice or fairness. The two principal justice operations are the operation of equality and of reciprocity, both of which have logical parallels. Justice is a matter of distribution, involving the operations of equality and reciprocity.²

In this important and suggestive statement, Kohlberg ties the assumptions of justice as fairness to Jean Piaget's work on the development of logic.

According to Jean Piaget, there are two operations

central to logical thought.³ They are the operations which allow us to conceive of a situation, mentally transform it, and reverse the transformation. Without this reversibility of thought, we could not plan our behaviors. Complete reversibility of thought allows us to conceive of all the logical possibilities of action prior to choosing among them.

The two operations of reversible thought are negation and reciprocity. Negation is the reversibility that allows us to classify consistently.* A class and its complement can be combined to form a larger class and then separated by negation ($A + A' = B$; $B - A' = A$). Reciprocity is the reversibility that allows us to deal with relations consistently. With asymmetric relations, one element's relation to another is not the same as that element's relation to it ($A > B \neq B > A$), it is the inverse ($A > B = B < A$). If Kohlberg is correct, a mature conception of justice as fairness requires the construction of these logical tools. A person must be able to classify all human beings as equal in a consistent way. A person must also be able to manipulate all relations so as to assure everybody equal treatment.

Kohlberg further believes that judgments based on the logical operations of equality (negation) and reciprocity can

* Kohlberg terms this operation "equality."

achieve a condition of equilibrium which marks them as adequate.⁴
 In the equilibrium condition, all moral conflicts are resolved in the most satisfactory way possible. This equilibrium condition is what is to be aimed at in moral judgment. In Kohlberg's view, Jean Piaget and the moral philosopher John Rawls share his belief that the highest form of moral judgment is justice as fairness because its use generates equilibrium in judgment. Kohlberg says:

Both Rawls' theory and the theories of Piaget and myself, then, are theories of "reflective equilibrium." Both identify justice with equilibration in valuing. Piaget's theory is explanatory or psychological; it explains (a) why justice is a compelling, obligatory "natural" norm and (b) why concepts of justice change, moving to greater equilibrium. Rawls' theory is justificatory; it undertakes to prove that certain principles of justice held at our sixth (and important at our fifth) stage are the ones which would be chosen in a condition of complete reflective equilibrium* . . .⁵

Kohlberg's belief that we can identify what will be chosen in a state of complete reflective equilibrium is part of his intuitionism. It is an intuitionism that he may well share with John Rawls. However it is misguided, in my view, to equate Piaget's notion of equilibration with Rawls' notion of reflective equilibrium. This is because Piaget's view is

* My underlining.

that knowledge is open-ended.⁶ What would be revealed in a state of complete reflective equilibrium would be a matter of supposition under present epistemological conditions. Knowledge for Piaget is a matter of successive approximation, not attainment.

In addition, Piaget believes that the equilibration of any judgment depends on its relationship with the environment, not just its formal properties. Justice as fairness assumes symmetrical relations between persons. For a justice-as-fairness conception to be in accord with the environment, actions based on the formal properties of classificatory and relational equality must maintain an equilibrium condition between the individual and his environment. Under environmental conditions where this equilibrium condition is not maintained, justice conceptions are not equilibrated. Accordingly any evaluation of justice as fairness must take into account what the world is like. In an unjust world, justice conceptions may be found inadequate.

The formal symmetries of the scales of justice should not blind us to the possibility that asymmetrical moral conceptions may represent equilibrated moral judgment. Moral conceptions whose fundamental assumptions involve classificatory or relational inequalities may actually represent the good. That would be the situation where equilibrium conditions

were achieved by asymmetric moral conceptions.

In the next two chapters, I want to present a *prima facie* case for thinking that asymmetric moral conceptions are well-represented in the world. This representation is one indicator of the adequacy of these conceptions. Such a case will also be a case for cultural relativism or the belief that there are ethical opinions held by different groups or individuals which conflict in a very fundamental way.⁷ I suggest that this conflict exists at the level of the basic assumptions underlying justice-as-fairness conceptions. These assumptions are varied in a number of ways.

First, it is possible that not all persons should be treated equally. Perhaps I should favor the interests of others over my own interests in cases of conflict. This is the message I believe to be contained in much traditional Christian teaching. It is the message of responsible love of others. In favoring others over myself, I depart from justice-as-fairness conceptions where treatment of others need be no better than that demanded by oneself. Such moral conceptions are particularly suited to produce equilibrium conditions in a world of selfishness. By intentionally favoring others, there is compensation for selfish behavior and a balance between egoistic and altruistic behaviors.

A second possibility is that I should favor my own

interests over those of others because I can understand only my own interests properly. When I try to defend and favor the interests of others, failure may frequently occur through misunderstanding and misevaluation. This is the message attached to the free marketplace where individual buyers are assumed to be the best protectors of their own interests. It is the morality of rational egoism. The morality of rational egoism is particularly suited to produce equilibrium conditions in a world where there is considerable indeterminacy of personal needs and wants. Given the fluctuation in what people find worthwhile, respect of others may mean respecting whatever decisions they make concerning their own interests. Equilibrium is thought to be achieved by individuals acting in their own best interests.

The three alternative moralities of justice as fairness, responsible love, and rational egoism are all relational moralities. They differ on the key assumption of how social relations should be governed or people treated. Justice as fairness assumes equal treatment for the self and others is justified. Responsible love assumes that favoring the interests of others over those of the self is justified. Rational egoism assumes that favoring one's own interests is justified. In each case, the particular moral conception can be justified in terms of an equilibrium condition it may

produce between an individual and his environment.

Another set of alternative moralities is based on classificatory assumptions. Some human beings are assumed to occupy a lower status because of intrinsic qualities than others. This is true of the moralities (immoralities?) of racism, sexism, speciesism ("bias towards the interest of members of one's own species and against those of members of other species"⁸), pseudo-speciation (the identification of a tribe, class, or nation with the human species⁹), etc. The only classificatory morality I intend to examine in this dissertation is that of caste in India. As far as I understand the nature of the caste system, the general operative morality is to favor one's own caste over those of others. Again an equilibrium conception is attached to the morality. Upholding of caste duties and discriminations is justified in a world where their breakdown is thought to lead to chaos.

Throughout this survey of alternative moralities, it is not my intention to recommend any particular one. My hope is to begin the task of establishing what presently are the major alternative moralities in the world. I strongly suspect that Kohlberg's identification of justice and the moral is inadequate. Kohlberg's contribution has been to show how the study of the moral should be conducted by articulating the assumptions of a major alternative morality and relating these

assumptions to Piaget's work on the development of logical thinking.

In this chapter, I shall examine first the notion of equilibrium. According to Rawls, Kohlberg, and Piaget, adequate judgments are judgments in equilibrium. Rawls' and Kohlberg's understanding of equilibrium differs from Piaget's in that they claim to be able to recognize or intuit what achieves final equilibrium. This leads Kohlberg to identify the concept of justice as fairness as in equilibrium based on its formal properties alone. But formal properties are not enough to establish what is in equilibrium. Also to be considered is the relationship between an individual and his world. The two moralities looked at in this chapter, justice as fairness and responsible love, differ not only in their basic assumptions. They also differ in their perceptions of the world. I hope to show the importance of these perceptions to the determination of equilibrium in moral judgment.

a. Reflective Equilibrium and Equilibration

Lawrence Kohlberg has suggested that there is a convergence between the findings of philosophy and psychology as to the nature of the moral.¹⁰ Specifically he has noted what he takes to be parallel or common features between John Rawls' theory of justice and Jean Piaget's theory of cognitive

development.¹¹ Both Rawls and Piaget have oriented to the notions of equilibrium and justice in their work. Kohlberg believes these notions provide the links by which psychological explanation and philosophical justification can be bound together in the discussion of the moral. Kohlberg equates the "reflective equilibrium" attained by considered judgment in Rawls' notion of justice as fairness with Piaget's notion of "equilibrated judgment" in the development of intelligence. The open question is whether this is an appropriate identification. I want to suggest that it is not.

Kohlberg explains Rawls' notion of reflective equilibrium as having several meanings. The primary meaning is that of the equilibrium established by an individual between "espoused general moral principles and particular judgments about situations."¹² As an individual lives, he induces the principles which lie behind his judgments in particular situations. These principles tend to guide his judgment in new situations. Depending on the situation and its outcome, the individual sometimes revises his principles and sometimes his "intuition" of what is right in a concrete situation."¹³ There is a basic interactive relationship between the rules of our thinking and particular situations which leads to the construction of more

* My underlining.

adequate principles of understanding.

Kohlberg equates this primary meaning of Rawls' reflective equilibrium with Piaget's notion of equilibration. Indeed there is a very familiar ring to Kohlberg's account of Rawls' understanding of the interactive relationship between moral principles and moral judgments in particular situations.

Piagetian structuralism is based on a similar idea of principled understanding. Not all concepts are of equal power. Some concepts are particularly useful in referring to content. They contribute little to the organization of thinking. They mainly provide the symbolic material which is organized. Other concepts serve primarily to organize this information provided by experience. They operate across a range of situations. Occasionally these central organizing concepts are revised in order to more adequately deal with a situation.

This can be illustrated by reference to the conservation of quantity.¹⁴ At first the child responds consistently as if there were no conservation of quantity. When presented with a ball of clay that has been rolled into a sausage, the child considers only one dimension. He might say eight times out of ten that the sausage represents an increased quantity because it is longer. The other two times he might say it is less because of the decreased width. As the sausage is made longer and longer, the child tires of repeating the same

arguments. The probability of him noticing the other dimension and fluctuating between the two becomes greater. When this happens, the child begins to notice the correlation between the two dimensions. As he puts the two dimensions together, his judgment is no longer based solely on how the sausage looks at a particular time. He becomes concerned with how it has been transformed. Finally he understands both how the two dimensions vary (increase of length means a decrease of the width) and the conservation of the whole.

Two basic conceptual strategies at least are represented in the development of the conservation of quantity. At first the child concentrates on one dimension and the configurational reality. Then the child coordinates the two dimensions and understands the transformational reality. This latter strategy is preferred over the earlier as it enables the child to deal more adequately with the world. If the earlier strategy is stable for a period in the child's life, it is only the latter strategy that achieves final stability or equilibrium.

Kohlberg is correct that both Piaget's and Rawls' notions of equilibrium have a certain similarity. Both are able to take into account development of conceptual strategies about how to deal with particular experiential content. But there the similarities end. An important feature of Piaget's

notion is the attempt to explain the fact that the child is resistant to learning the more adequate strategy for a considerable period early in his life. Piaget's notion of equilibrium is closely tied to his stage theory of the development of structures in understanding.

Piaget believes that the key to the transition in conceptual strategies is what he calls "equilibration" or "autoregulation." Equilibration is defined as "an active compensation set up by the subject against exterior disturbances, whether experienced or anticipated . . ." ¹⁵ In any equilibration there are two factors, the external and the internal. The external factor is the disturbance or problem to be solved. The internal is the compensation or solution. Both factors are inextricably tied together so that both must be considered in deciding the question of whether a judgment is in equilibrium.

A judgment of nonconservation of quantity when the shape of a clay sausage changes is not equilibrated. This is not because a strategy of nonconservation is formally incorrect. It is always possible that quantity could change with shape at some level of experience or under special conditions. It simply happens that normally the best conceptual strategy is to assume that a quantity of clay is conserved despite changes in shape. Following this conceptual strategy is associated with greater success in action. This conceptual

strategy is generated by the individual organizing his understanding so that the dimensions of quantity and shape are not assumed to change together.

Equilibration or the organization factor in understanding is the key to the development of better conceptual strategies. According to Piaget, a child who develops an understanding of conservation does not merely incorporate a strategy learned from his social or physical environment. Neither does he follow innately-given patterns of behavior. Rather through coordination of his own active observations and hypotheses, the child constructs the laws of variance between dimensions and the invariance of the whole. Each child must himself be ready to undertake this construction. This explains why the acquisition of conservation concepts can be at most facilitated, not simply taught.¹² The establishment of equilibrated understanding is dependent on an individual's ability to organize his experience, not on external teaching or innately-given strategies of action.

Rawls in his notion of reflective equilibrium does not pay attention to the interplay of internal and external factors in the advancement of understanding. For Rawls, the state of reflective equilibrium is what is reached after "a person has weighed various proposed conceptions and he has either revised his judgments to accord with one of them or held fast to his

initial convictions (and the corresponding conception)."¹⁷

Considered judgment is the key feature in Rawls' notion of reflective equilibrium. This differs from Piaget's emphasis on the constructive and interactive aspects in the achievement of equilibrium states in understanding.*

Rawls compares his quest for a correct account of moral capacities to that of a linguist attempting to "characterize the ability to recognize well-formed sentences by formulating clearly expressed principles which make the same discriminations as the native speaker."²² Rawls wants to articulate the fundamental rules governing our thinking about justice as linguists are attempting to do for our language. Significantly

* Rawls has a theory of moral development. He has described three stages.¹⁸ First there is a morality of authority, followed by a morality of association, and ending in a morality of principles. Rawls draws on the work of Piaget and Kohlberg among others in his sketch of these three moralities.¹⁹ Unfortunately he does so with a minimum of discussion as to theoretical background. Specifically Rawls neglects to suggest a mechanism or reason for stage transition. Rawls says that he wishes to avoid the question of whether these moralities are a matter of social learning or develop naturally.²⁰ However silence does not guarantee neutrality. Rawls provides no reasons for thinking that the stages he describes are structural stages. Perhaps with changed social circumstance, one or two of the three moralities could be eliminated. Indeed Rawls explicitly says that he is only sketching "the course of moral development as it might occur in a well-ordered society realizing the principles of justice."²¹

Rawls cites the work of Noam Chomsky as a model. Chomsky has postulated the existence of an innate mental structure to provide for the rules of what he sees as a universal grammar underlying specific languages.²³ According to Chomsky, we can recognize what is a well-formed sentence because we have genetically inscribed in our minds the rules by which to judge what that is. Rawls does not follow Chomsky in this speculation about the innate origin of certain of our rules of thinking. But he does appeal to an ability to recognize or intuit what is right as a standard of judgment that may not be very different in effect. The constructivism of Rawls' notion of reflective equilibrium is subordinated to what amounts to an intuitionism.*

* Intuitionism is "the theory that, although ethical generalizations are not true by definition, those of them which are true can be seen to be true by any person with the necessary insight. According to this view, a person who can grasp the truth of ethical generalizations does not accept them as the result of a process of ratiocination; he just sees them without argument that they are and must be true . . ."²⁴

Rawls' moral theory and particularly his notion of reflective equilibrium would not seem to fit under this definition. A person achieves reflective equilibrium by considerable ratiocination. Additionally, Rawls explicitly rejects intuitionism because of its lack of consideration of the priority problem.²⁵ My justification for terming Rawls an intuitionist is his belief that reflective equilibrium is finally a matter of recognition. The appeal to recognition as a final standard of correctness is little different from an appeal to intuition. Thus I believe that Rawls' theory is a form of intuitionism, perhaps a mild form, but . . . /

Rawls notes that there are several possible interpretations of his notion of reflective equilibrium. As he says:

. . . the notion varies depending upon whether one is to be presented with only those descriptions which more or less match one's existing judgments except for minor discrepancies, or whether one is to be presented with all possible descriptions to which one might plausibly conform one's judgments together with all possible philosophical arguments for them. In the first case we would be describing a person's sense of justice more or less as it is although allowing for the smoothing out of certain irregularities; in the second a person's sense of justice may or may not undergo a radical shift. Clearly it is the second kind of reflective equilibrium that one is concerned with in moral philosophy.²⁶

Rawls goes on to say that it is "doubtful whether one can reach this state."²⁷ Therein lies the crux of the matter.

Rawls and Piaget are both oriented to the equilibrium achievable in understanding as a result of considering the various aspects of a situation. Both argue for the necessity of reformulating our principles again and again as long as their expression is inadequate. The difference between the two lies in their assessments of the present accessibility of the standard by which all judgments can finally be measured.

* (cont'd) . . . nonetheless intuitionism. For a fuller discussion of Rawls' intuitionism, see Joel Feinberg, "Rawls and Intuitionism," in Reading Rawls: Critical Studies of a Theory of Justice, ed. by Norman Daniels (New York: Basic Books, Inc., 1974), pp. 108-24.

Rawls, despite his doubts about ever being able to achieve the reflective equilibrium with which he judges moral philosophy to be concerned, follows Chomsky in thinking that individuals now have the capacity to recognize when something is "well-formed." At most our formulation of the rules which make something well-formed may be continually in need of revision as we delve into the matter. Chomsky attributes our recognitory abilities in sentence formation to the innateness of our general language capacity. Rawls does not attribute our recognitory abilities in moral judgment to anything. He just speaks of the recognitory correctness of certain judgments without saying why they seem correct.

Piaget, on the other hand, attributes our intuitions of correctness of judgment to the coordinations we have achieved in understanding. Judgment is essentially constructive and open-ended. It is Piaget's belief that "organization is the source of homeostases at every rung of the evolutionary ladder."²⁸ Such homeostases or states of equilibrium however are "tenuous and can resist environmental reversibility only at momentary periods of stability . . ."²⁹ Accordingly we continually are required to formulate judgments, attempt to operate in terms of them, and then revise them as experience reveals their shortcomings.

Rawls with his notion of reflective equilibrium points

to a state of knowledge that requires no further revision. He admits its possible ideality. But he also operates as if it were currently accessible through our ability to recognize well-formed judgments. We can recognize that our formulations of the principles of justice are either well-formed or in need of revision. If some of our recognitory judgments have to be discarded due to conflict with our formulated principles of justice, still this interaction between our formulations and recognitions is subordinated to the fundamental dependability of what is recognized.

Piaget envisages no such time when all possible information will be available for the formation of considered judgments in reflective equilibrium. In Piaget's view:

. . . objectivity is a process and not a state. This amounts to saying that there is no such thing as an immediate intuition touching the object in any valid manner but that objectivity presupposes a chain of successive approximations which may never be completed.³⁰

At most this process includes a number of moments when there is relative equilibrium between the capacity of the organism and the demands of the environment. If there is a final state of equilibrium, it is presently knowable only as a postulated ideal. This is why Piaget compares the notion of the object to that of a mathematical limit which can never be reached.³¹ Instead of trying to measure our current formulations in terms

of an ideal final state of knowledge, Piaget suggests that we attempt to "interpret knowledge in terms of its own construction" ³² Equilibrium states are then to be understood in terms of the equilibration process which gives rise to them.

Kohlberg wishes to show the primacy of justice as fairness in moral considerations. He tries to do this by claiming that this conception of justice as fairness is the best approximation we have of that final state of knowledge indicated by Rawls' notion of reflective equilibrium. He also claims that this accords with what is indicated by Piaget's notion of equilibration. What Kohlberg fails to notice is that other principles than justice may produce equilibrated judgments depending upon environmental and internal conditions. Piaget's equilibrium states are not to be measured against some final state of reflective equilibrium presumed accessible by intuition (recognition). They are to be measured in terms of an ongoing constructive process in knowledge. The implications of this difference between Rawls' (and Kohlberg's) intuitionism and Piaget's epistemological relativism in their notions of equilibrium can be given substantive form as we look at the content of what is affirmed in Rawls' state of reflective equilibrium.

b. Reversibility

Moral judgment is in reflective equilibrium when there is a stability of considered judgment. In the design of social relations, Rawls and Kohlberg find two ideas particularly conducive to stability. They are the rules by which moral judgment in reflective equilibrium would supposedly operate.

First is the "idea of a social contract arrived at as the equilibrium point among a group of rationally egoistic bargaining players."³³ Contracts are made between persons in order to serve their own interests and arbitrate between them when in conflict. It is assumed that rational egoists would agree to contractual inequalities only insofar as they operate to maximize each player's advantage. This is called the "difference principle."

Second is the idea that this social contract must be arrived at as a result of bargaining from behind "a 'veil of ignorance' so that no one knows his position in society, nor even his place in the distribution of natural talents or abilities."³⁴ Those bargaining would have only a general knowledge of human interests, wants, and abilities. They would not be able to bargain from a knowledge of their own specific abilities and desires. In this way, a social system can be designed where all persons are given equal respect and treatment. Reflective equilibrium in moral judgment is to be

reached by behaving as if we are rational egoists bargaining from a position of ignorance as to our identities.

This position of bargaining as rational egoists under a veil of ignorance is sometimes called the "original position."³⁵ According to Kohlberg, judgments based on the two rules of the original position are universalizeable and reversible.³⁶ They are universalizeable because they can apply to all persons in equivalent positions. They are reversible in that a person would be willing to live with the results of the bargaining whatever the position occupied in the resultant society. All arrangements would be agreed to only on the basis of a willingness to occupy any role or reverse roles. This reversibility of roles represents an equilibrium state in the resolution of conflicting claims. Reversibility allows for interaction between conflicting claims until considered judgments in equilibrium can be reached.

Kohlberg believes that the reversibility of judgments based on the original position is a further point of convergence between Piagetian psychological explanation and Rawlsian philosophic justification.* Reversible judgments can be

* Here the convergence is one perceived by Kohlberg from the direction in which Jean Piaget and John Rawls are headed. Rawls does not use the term "reversibility" in any technical sense. Additionally such students of Piaget as John H. Flavell, Robert Selman, and Kohlberg himself have had more to say on role-taking than Piaget has.

reached in two ways. Either a person accepts moral judgments as normative through ideal role-taking or by imaginatively trying to maximize the values of all roles behind a veil of ignorance. Kohlberg describes the Piagetian reversibility process in the following way:

1. This reversibility process of reaching fairness through ideal role-taking involves:
 - a) The decider is to successively put himself imaginatively in the place of each actor and consider the claims each would make from his point of view.
 - b) Where claims in one party's shoes conflict with those in another's imagine each to trade places. If so, a party should drop his conflicting claim if it is based on nonrecognition of the other's point of view.³⁷

Kohlberg equates this with what he conceives as a reversibility process involved in Rawls' original position.

2. The decider is to initially decide from a point of view which ignores his identity (veil of ignorance) under the assumption that decisions are governed by maximizing values from a point of view of rational egoism in considering each party's interests (the Rawls' original position).³⁸

Kohlberg thinks that these two reversibility processes are roughly equivalent and lead to the same moral solutions. The difference between the two is that the first begins with an "altruistic empathic or 'loving' orientation" while the second starts with an "egoistic" orientation.³⁹

In my estimation, Kohlberg is mistaken about the

altruism of the first process. Also the first process may lead to radically different solutions from the second. A person can take into account the other's point of view in a variety of ways. He might do it by subordinating his claims to those of others. But he can also do the reverse and assert the primacy of his claims. Indeed he can even treat all claims equally as is required in justice as fairness. However there is nothing like the veil of ignorance in the first process to guarantee equality of treatment. Recognizing another person's point of view does not necessitate fair treatment. The recognition may be used to further one's own interests or some solution not in accord with justice.

Taking into account the views of others is required in developed moral judgment just as considering all dimensions and their relationships is required in the conservation of quantity. This can be done in a moral or immoral way depending on the specific background morality providing the measure. I agree with Kohlberg that judgments based on Rawls' original position are fully reversible. But is justice the only fully reversible conception in moral thinking?

According to Piaget, there are two types of reversibility. There is reversibility by negation and reversibility by reciprocation. Both are required in fully mature logical thinking.⁴⁰ The first is the reversibility necessary for

mature classification. The second is the reversibility necessary for the mature handling of relations.⁴¹ If there is to be mature thinking, moral or otherwise, a person must be able to classify consistently and correctly manipulate the relations between classes.

A young child is not able to classify consistently. Faced with a classifying task involving rectangles, squares, letters, and circles of different colors, young children tend to form graphic collections, i.e. mosaics of objects put together geometrically.⁴² Then they may begin to form non-graphic collections based on characteristics of the objects. But they use a multiplicity of criteria and often leave a number of objects unclassified.⁴³ Finally they are able to classify consistently on the basis of a criterion. Piaget attributes this achievement to the child's ability to form nested classes. Individual items are combined into classes which in turn can be combined with other classes. This is done by the operations of addition ($A+A'=B$) and its reverse, negation ($B-A'=A$).

In moral thinking this logical achievement is represented by the ability to treat all persons classified on the basis of a particular criterion the same. Young children seem unable to justify their actions on the basis of adequate classification criteria. When a four-year-old was asked why he

allotted seven out of ten candy bars for himself and one each to the other three children, he imaginatively justified his behavior by saying it was "'cause I have seven friends at home."⁴⁴ This sort of appeal to supposedly objective criteria is very common in young children. The young child recognizes the need to justify what is often an egoistic distribution. But he seems unable to classify well enough to be able to find and appeal to a criterion he alone can meet. Indeed it is relatively advanced to appeal to something as objective as "seven friends." Less advanced children refer only to their likes and wants as the justification for why they should be favored.⁴⁵ Only as children develop is there an achievement of a classificatory ability sufficient for the child to recognize the arbitrariness of an appeal to personal wants and likes or having "seven friends at home" in order to justify a grossly unequal distribution.

The development of the ability to classify consistently seems to result initially in a stage of rigid egalitarianism where all must be treated the same on the basis of the dominant classificatory criterion. Thus a child at this stage resists rewarding merit because the "best person who makes the best stuff is not polite, because you should make them have the same alike--give everything the same."⁴⁶ The re-emergence of notions of merit and deserving (without the blatant egoistic

distributions) seems to depend on consolidation of the ability to form stable classes and classify according to several criteria simultaneously. Thus an older child may justify giving some to Billy because he "needs it," to Rebecca because she "earned it," and to Melissa because "she did very good."⁴⁷

If a person needs to be able to classify his world consistently in order to think maturely, he also needs to be able to handle the relations between classes. A young child is unable to do this as well. If asked to put ten rods of varying length in order, initially he can order only two to four rods.⁴⁸ At a second stage, he manages to order them by a process of trial and error.⁴⁹ Only by about seven or eight can the child systematically look for the smallest (or largest) first, then for the smallest among the rest,⁵⁰ Piaget attributes this achievement to the child's ability to simultaneously understand that any given element is both larger than the preceding and smaller than those that succeed it. Transitive relationships are understood (If $A > B$ & $B > C$, then $A > C$). Reversibility in this type of thinking is by reciprocation. There must be an understanding that if $A > B$, then $B < A$. The inverse of A's relation with B is B's relation with A. This can also be represented for symmetrical relations by the question 'Does your brother have a brother?' / $(Y=Z) = (Z=Y)$ /.

In moral thinking this logical achievement is

represented by the ability to order each claim according to its proper place. In the bargaining situation, this means the achievement of a balance between the bargaining positions. If something is given, then the giver and receiver have a reciprocal relation of creditor and debtor. Something must be returned if the bargaining relationship is to be maintained. Such an understanding of reciprocity appears to be required for Stage 2 thinking in Kohlberg's morality of justice. Kohlberg has shown experimentally that Stage 2 thinkers can answer correctly the question 'Does your brother have a brother?'.⁵¹

Establishment of the two types of reversibility is required for the achievement of fully reversible, equilibrated thinking. The two types are established by the child at the level of concrete operations.* However before thinking is fully mature, they must be integrated so that there can be systematic isolation of variables. One experiment Piaget has used to investigate this type of thinking in the physical realm involves the differential effects of kind of metal and length

* William Damon has done by far the most comprehensive work investigating the development of classificatory and relational thinking in the moral judgment of the child. It is reported in the seventh chapter of his The Social World of the Child (San Francisco: Jossey-Bass Publishers, 1977). His work shows clearly that the two types of reversibility are available to moral judgment in developed form by the end of childhood.

on the flexibility of a rod. To separate these effects, the older child or adolescent proceeds by neutralizing length and noting the difference between the types of metal. Or he takes rods of the same metal and varies length.⁵² His systematic testing of the two dimensions of variability leads to a mature understanding of how kind of metal and length affect the flexibility of a rod.

It appears that this same isolation of variables and systematic testing of hypotheses based on the two reversibilities is presupposed in the mature understanding of social systems.⁵³ In the distribution of goods, a person's claim must be evaluated simultaneously as to whether it is justified by classificatory criteria or on the basis of reciprocal relations. Inability to do this leads to inconsistencies in behavior which militate against the functioning of the system. Prior to the question of what classifications and relationships are justified in a social system is the requirement that the rules be consistently applied.

It is Kohlberg's belief that the justice structure fully integrates the two types of reversibility in moral thinking. As he says:

. . . I hold that the core structure of stages of moral reasoning consists of the set of operations or ideas which define justice or fairness. The two principal justice operations

are the operation of equality and of reciprocity, both of which have logical parallels. Justice is a matter of distribution, involving the operations of equality and reciprocity. Distribution is by equality (equity, distributive equality proportionate to circumstance and need) or it is by reciprocity (merit or desert, reward in return for effort, virtue, or talent). Each stage defines and uses these operations differently and each higher stage uses them in a more reversible or equilibrated way.⁵⁴

Although not explicitly stated in this excerpt, Kohlberg seems to think that only the justice structure fully integrates the two reversibilities.

Kohlberg and Rawls in justice as fairness assume that all human beings are of equal worth. They also assume that any inequality of distribution is acceptable only insofar as it advances everyone's interests (the difference principle). Looked at from the point of view of Piagetian reversibility, equality is considered primary in both classificatory and relational thinking. Everyone who belongs to the class of human beings must be treated equally (excepting circumstance and need). And all social relations must be based on an equal distribution of rights and duties. Differences in ability, starting position, and other biasing factors are acceptable morally only insofar as they can be put to work to everybody's advantage.

Justice as fairness is built on the assumption of

equality. But what happens when this assumption is altered? Suppose I believe that I should favor the interests of others over my own. Does this mean somehow that my thought is immature or lacks reversibility? I do not believe this to be the case. Mature responsible love of and care for others necessarily implies the use of the two types of reversibility.

If a mature understanding of justice requires classificatory reversibility, the same is true of responsible love (favoring the interests of others over those of the self when in conflict). The responsible love of others now under discussion is built on the same classificatory assumption as justice. The self and others are to be understood as members of a key common class within a stable and consistent classificatory scheme. The class characteristics can be variously stated. We are all human beings, God's creatures, or whatever. In order to love maturely, an ability to classify consistently is required. The same maturity is also required of our relational thinking. However, where Kohlberg stresses the understanding of reversible symmetric relations /'Does your brother have a brother?' or $(Y=Z) = (Z=Y)$ /, now there is a stress on reversible asymmetric relations ('Does your father have a son?' or $A > B = B < A$). A person who serves others has to be able to consistently ordinate the claims with which he is faced. Maturity of responsible love requires that the individual be

able to favor the interests of others in the order of their importance and consistently subordinate his own interests to them.

It may seem odd to speak about the equilibrium achievable in moral thinking based on a mature understanding of asymmetric relations. But it should not. This is where the term "equilibrium" can be misleading. It is easy to picture Piaget's equilibration process as applied to moral thinking in terms of the scales of justice. The scales achieve equilibrium as we balance rights and duties by the two reversibilities. However the mathematical group (the Klein four-group⁵⁵) Piaget believes is the basis for mature logical thinking has no such moment or state of equilibrium. It simply has all the operations necessary for reaching such a state if deemed appropriate. These operations include the two types of reversibility and hold for both symmetric and asymmetric relations.

The implications of this can be seen when we remember the difference between Rawls' reflective equilibrium and Piaget's equilibration process. Kohlberg equates the two by fastening on one representation of how moral thinking may be equilibrated and identifying it with the substantive principles Rawls intuitively (recognizes) as the fundamental rules of judgment in reflective equilibrium. In my view, this is a mistake. Piaget believes in the openness of the equilibration

process. Momentary states of equilibrium are tenuous and subject to environmental pressures. Justice may represent an equilibrium state in our relations with one another. But it may not. The central feature of Piaget's notion of equilibration is not the equilibrium states we may achieve. Egoism could be an equilibrium state if that were indeed the conceptual choice which established a stable relationship between the individual and his environment. The central feature of the equilibration process is that we organize behaviors or autoregulate in the face of environmental demands.

To make his case for the priority of justice, Kohlberg has to do more than show that a mature conception of justice as fairness meets the formal requirements of reversible thinking. Other moral conceptions meet these requirements as well. What needs to be shown is that justice alone can make for a stable relationship with the environment. It may be that other moral conceptions can do a better job than justice as fairness. A preference for equality in the organization of moral thought may militate against stability or equilibrium. This perhaps would be the case if justice claims were in reality little more than rational egoism finely dressed. It is this possibility and its implications we now need to examine. Until there is a demonstration that justice represents the equilibrium state for all possible social realities, there is no need

to accept Kohlberg's claim that all equilibrated moral judgments involve principles of justice or fairness.

c. Justice and Agapē

Justice as fairness is a very attractive conception. It would be very pleasing indeed if it were the case that human beings were basically just creatures who could achieve a harmony of interests as Kohlberg suggests they can. There is no need for the notion of justice as fairness to be sullied in an inquiry such as this. After considering the alternatives, it is quite possible that many would continue to find justice as fairness worthy of their loyalty. But I do think that there are real moral alternatives to justice presently available in the world. Legitimate objections to the notion of justice do exist among cognitively mature and well-intentioned people.

An immediate possible objection to justice is to its realism. Kohlberg has been criticized for his contribution to intervention programs in prisons which are designed to "morally educate" the prisoners.⁵⁶ The substance of the criticism is that Kohlberg's higher moral stages reflect the institutions of a liberal democracy. Perhaps only where these institutions govern should people be educated to think in terms of justice. In prison the lower moral stages may represent more adequate

forms of judgment given the social conditions.*

There is a certain amount of support for this view that the stages represent environment-specific responses. Inmates have been tested with dilemmas having a prison setting. It has been found that they use "lower modes of moral judgment on the prison dilemmas as compared with the standard non-prison dilemmas."⁵⁷ This finding however is not conclusive support for the view that the moral is entirely environment-specific. If a person tends to reason at a lower stage in a certain environment, it does not follow that he should. Hence it is not proper to say that because prisoners presently reason at lower stages, they should not be "morally educated." The ability for prisoners to have a more adequate conception of how society should be better organized is one factor necessary for its creation.

The moral has both a long-term guidance function (e.g.

* I have difficulty with this criticism as presently stated. The problem is that the development of perspective is not distinguished from the other stage characteristics in this objection. Lower moral stages could represent alternative, environment-specific moralities only in the sense that concern for self may not be in accord with the demands of justice. However I would argue that they could not represent alternatives to justice without an equivalent development of perspective. See my Chapter VII for a fuller discussion of the importance of perspective to moral judgment.

to work towards the creation of a just and well-ordered society) and a short-term function (e.g. doing what is necessary to survive in an unjust environment even when it means sanctioning behavior that would not be justified in a just society). Moral education programs can be justifiably criticized for too often being concerned with the long-term guidance function to the exclusion of the short-term. This has the effect of making voiced moral concerns irrelevant to actual behavior. The farther away the present reality is from the long-range goal, the more difficult it is to plot behaviors that would bring it about. It also makes defense and justification of the intermediate behaviors more difficult. Failing to make the link between the ideal and present conditions, individuals may make less adequate moral judgments than they could. Or they may make adequate moral judgments and be unable to verbally justify them.

It is necessary to avoid confounding the short-term function of moral judgment with its long-term function. Morally objectionable behavior in terms of the ideal may be justifiable in terms of the practical immediacy of certain situations. Thus stealing to save a life is justifiable in a society (prison?) where that is the only workable option. It is not justifiable where a life can be saved without stealing. Those who ignore the special environmental conditions of

prisons may be surprised to find a decrement in moral judgment scores for prison dilemmas. But such a decrement may be more a matter of inadequate verbalization of why certain behaviors are justified in prison environments than anything else.

The linkage between certain environmental conditions and justice conceptions is highly problematic. The decrement in moral judgment scores for prison dilemmas confirms this. The just society may be a very attractive conception, but what is its function where present environmental conditions are in extreme conflict with it? An existing state of disorder or injustice in society has significant impact on the question why justice might need to be rejected as a central organizing concept.

Kohlberg has made the point that rights and duties are correlative in justice as fairness. Nobody has a duty to seek the welfare of others without a corresponding right for himself. Kohlberg distinguishes his just person from the saint.

The rational moral agent is not a self-sacrificial saint, since the saint's duties do not imply that he has corresponding rights. The rational moral agent is fair, not saintly, he does as a duty only what he is rationally prepared to demand that others do as a duty, or that to which he has a right.⁵⁸

What Kohlberg fails to consider, and what we now must consider, is the impact of living in a world where rights and duties fail to correlate. When is the rational moral agent who

operates according to the vision of a just society pushed into becoming a saint in order to maintain his vision? And if we are not morally required to be saints, can Kohlberg's just person only exist in a just environment?

Adopt the viewpoint of a prisoner with a history of maltreatment who has found that his social world either does not recognize or does so only inconsistently, his rights to food, shelter, affection, employment, security, freedom from abuse, etc. Under what obligation is he to recognize the rights of others? By Kohlberg's own admission, a rational moral agent does not have to be a saint. One only has to recognize the rights he demands to enjoy himself. But if a person has consistently been denied all rights and believes that this is in the nature of things, e.g. human beings are innately and unalterably selfish and grasping creatures, why should he be motivated to recognize the rights of others? The ideal balance of rights and duties may founder on the rocks of reality.

A search for an answer to this question in both Rawls and Kohlberg turns up very little. Rawls speaks of a well-ordered society as the prerequisite for the development of a motivation towards justice as fairness.⁵⁹ Rawls characterizes a well-ordered society as "one designed to advance the good of its members and effectively regulated by a public conception of justice. Thus it is a society in which everyone accepts

and knows that the others accept the same principles of justice, and the basic social institutions satisfy and are known to satisfy these principles."⁶⁰ Rawls admits that existing societies may not be well-ordered in the sense of subscribing to the principles of justice as fairness.⁶¹ But he thinks that all moral individuals have a natural sense of justice which can be developed in a well-ordered society.⁶² Rawls never gives any extensive consideration to the effects of disorder on moral thinking. Rawls has what has been described by one commentator as "an extremely powerful commitment to an Idealist conception of the harmonious and organic society."⁶³ But where does this leave those who do not share this conception on the ground of realism?

Kohlberg has this same commitment to a vision of a harmonious society based on the principles of justice as fairness. A self-described "liberal," Kohlberg says that "a faith in progress is the core of the liberal tradition."⁶⁴ He also asserts that "historical and cross-cultural evidence supports the notion of a long-range moral evolutionary trend on the societal level."⁶⁵ This evolution is of course towards the just society. Kohlberg considers the concentration camp, genocide, etc. to be aberrational phenomena. Although progress is not automatic, the liberal faith is that "under conditions of exposure to information and communication and of a degree

of control by the individual over his actions and the ensuing consequences, basic changes in both individuals and societies tend to be in a forward direction in a series of steps or stages moving toward greater justice in terms of equity or recognition of universal human rights."⁶⁶

Whatever the attractions of Kohlberg's liberal faith, I would suggest that they must be balanced by voices from prisons, concentration camps, the ghetto, and so on, if we are to accurately assess the relationship between judgment and environment. This century in which Kohlberg perceives moral progress in societal development has also been a century of the mass imprisonment and slaughter of human populations. In the context of the concentration camp, Kohlberg's liberal faith is likely to generate the same anguished bemusement traditional Jewish faith in the God of Abraham, Isaac, and Jacob did. As Elie Wiesel asked of the Hebrew God while imprisoned in a concentration camp:

Why, but why should I bless Him? In every fiber I rebelled. Because He had had thousands of children burned in His pits? Because He kept six crematories working night and day, on Sundays and feast days? Because in His great might He had created Auschwitz, Birkenau, Buna, and so many factories of death? How could I say to Him: "Blessed art Thou, Eternal, Master of the Universe, who chose us from among the races to be tortured day and night, to see our fathers, our mothers, our brothers, end in the crematory? Praised

be Thy Holy Name, Thou Who hast chosen us
to be butchered on Thine altar?"⁶⁷

To understate the case, I think it is possible for reasonable and mature human beings to differ with Kohlberg's claim of historical progress.

I am not interested in debating the merits and demerits of the liberal faith in progress. What is important to recognize is that both Rawls and Kohlberg share a faith in our ability to achieve at least an approximation of a well-ordered society based on justice. The force of their arguments in favor of justice as fairness depends on this faith. If the just society is not achievable due, say, to the intrinsic nature of human beings, then justice could not be identified with equilibrated moral judgment (in Piaget's terms at least).

My claim is that Kohlberg's understanding of justice gives us little reason to behave justly in an unjust world. If the benefits of fulfilling the duties required by justice are sufficiently remote, then the rights corresponding to the duties are essentially empty. Justice as fairness is rational egoism coupled with the myth of a social contract agreed to from behind a veil of ignorance. If the myth falters due to disparities between it and the reality of people able to bargain to consolidate desirable positions they presently hold or favoring themselves in the competition for preferred positions,

we are left with rational egoism. Undeniably we are social creatures. So we have to work out agreements with others who share our society. But agreements based on rational egoism may not be harmonic or conducive to stability.

The criticism that justice often amounts to little more than disguised egoism can be traced back to Biblical times. Consider the following parable.

The kingdom of heaven is like this. There was once a landowner who went out early one morning to hire labourers for his vineyard; and after agreeing to pay them the usual day's wage he sent them off to work. Going out three hours later he saw some other men standing idle in the market-place. "Go and join the others in the vineyard," he said, "and I will pay you a fair wage;" so off they went. At noon he set out again, and at three in the afternoon, and made the same arrangements as before. An hour before sunset he went out and found another group standing there; so he said to them, "Why are you standing about like this all day with nothing to do?" "Because no one has hired us," they replied; so he told them, "Go and join the others in the vineyard." When evening fell, the owner of the vineyard said to his steward, "Call the laborers and give them their pay, beginning with those who came last and ending with the first." Those who had started work an hour before sunset came forward and were paid the full day's wage. When it was the turn of the men who had come first, they expected something extra, but were paid the same amount as the others. As they took it, they grumbled at their employer: "These latecomers have done only one hour's work, yet you have put them on a level with us, who have sweated the whole day long in the blazing sun!" The owner turned to one of them and said, "My friend, I am not being unfair to

you. You agreed on the usual wage for the day, did you not? Take your pay and go home. I choose to pay the last man the same as you. Surely I am free to do what I like with my own money. Why be jealous because I am kind?" (Matt. 20:1-16; New English Bible).

Here one man's generosity* is considered unfair by others.

Their complaints of unfairness are in turn considered to result from jealousy.

This parable can be given a number of larger contexts which would allow the justification of either party's views. It is difficult to condemn a man's generosity toward those who have not had an equal chance to work when he has fulfilled all contractual obligations. On the other hand, the generosity or philanthropy of thieves and robber barons is a false generosity. By paying low wages, a surplus can be unfairly extracted from laborers to enable the landowner to be famous for his generosity. Fortunately for present purposes, the relevant moral lesson of this parable is clearly stated. Those who complain of lack of equity do so from jealousy. Rather than being displeased that someone who has labored less gets the same wage, the complaining workers should rejoice in the good fortune of others.

The notion that those who complain about injustice are

* Or God's generosity, if you wish to focus on the parabolic implications of the story.

often motivated by jealousy or envy is a frequent criticism of justice conceptions.⁶⁸ Since it is often unclear as to whether the goods possessed by individuals or generously dispensed by philanthropists are justly held, cries of injustice can serve to further selfish interests. Reasons are found and rationales created that justify directing goods one's own way. Even unknowingly, the net result of a concern with justice can be the assertion of selfish interest.

In the face of uncertainty as to what constitutes a proper distribution, decisions concerning basic moral strategy must be made. One way to avoid envy, jealousy, and the aggrandizement of selfish interests is to adopt an ethic of responsible love. This is the message of the Sermon on the Mount and much Christian teaching. The way to counter a predisposition towards selfish behavior is to forego claims for the self. Moral perfection is to be found in selfless concern for others.

You have heard that it was said, 'You shall love your neighbor and hate your enemy.' But I say to you, Love your enemies and pray for those who persecute you, so that you may be sons of your Father who is in heaven; for he makes his sun rise on the evil and on the good, and sends his rain on the just and the unjust. For if you love those who love you, what reward have you? Do not even the tax collectors do the same? And if you salute only your brethren, what more are you doing than others? Do not even the Gentiles do the same? You, therefore, must be perfect, as your heavenly Father is perfect (Matt. 5:28-48; Revised Standard Version).

Some have found the moral perfectionism of the Sermon on the Mount to be extreme.⁶⁹ But while the degree to which others are to be favored and the interests of the self disregarded may be in dispute, undeniably a different moral strategy is being recommended here. The crucial difference between justice as fairness and responsible love resides in the ability of the latter to forego claims for the self when the dictates of equilibrium demand it. Justice as fairness may be the moral conception best adapted to the demands of a just society inhabited by individuals able to balance the interests of self and others. But it quite possibly requires the saint (a person willing to forego his own interests) to establish a harmonic society. In unjust situations, it is often a necessity to forego even the limited rights one enjoys in order to achieve some greater societal justice. The saint is willing to abandon his own interests in order to establish the rights of others.

Christian enjoinders to love others even when sacrifice of the self's interests is required should not be confused with submission of the self to others. Responsible love requires that the person act in the real interests of others. A mature conception of responsible love means that the demands of the other are to be resisted when they are in conflict with what is in his real interest or in a greater interest of third

parties. Self-sacrifice does not mean escape from responsibility for decisions as the self bows to what the other demands. In fact it means a heightened sense of responsibility for decisions as responsibility is taken for the good of others. In justice as fairness, the person is primarily responsible for himself. In responsible love, the person is his brother's keeper. All of the complexities found in moral judgments based on justice as fairness are found here also. The essential difference between the two is that in situations where rights and duties do not correlate, justice as fairness rolls down the slope towards rational egoism while responsible love requires sainthood.

The Greek term agapē means altruistic love. It is frequently contrasted with eros (sexual love) and philia (love of friends). By now it is a familiar enough term to be found in many English dictionaries. It is particularly common in discussions of Christian ethics. Agapē is thought to represent what is distinctive about Christian love.⁷⁰ Over the centuries, agapē has been subjected to the same philosophic debate justice has. Agapē and justice have been viewed as opposed to, different from, and identical with each other.⁷¹ As I have formulated responsible love or agapē, there is a basic difference between it and justice as fairness. This difference would be trivial in environmental conditions where justice prevailed. But where rights are not correlated with duties, this

difference may be of great importance.

Gene Outka, who has considered the relationship between justice and agapē closely, has noted that in some everyday relationships the concept of agapē is of greater relevance.

To contend that agape and equalitarian justice are deeply conjoined in at least part of their extension is not to say that they are interchangeable. Agape is normally taken as a more inclusive standard in that it applies in situations where justice has far less relevance. In intimate personal relations like friendship and parenthood the giving and taking need not be measured out very carefully. A nicely calculated more or less is not the dominant criterion. Alternatively, it was observed that the several conceptions of justice are usually understood to be confined to the sort of moral situation in which the parties all regard themselves as representatives of interests which deserve to be considered and are actively representing them.⁷²

The myth of the social contract agreed to from behind a veil of ignorance seems least relevant to personal relations such as parenthood and friendship. These relations are not so much built on contractual exchanges of rights and duties as on emotional attachments and identifications. This does not exempt them from rational requirements. It simply means that the language of justice as fairness has more direct relevance where exchanges are impersonal and therefore contractual. In intimate relations, a language of responsible love and care seems more natural.

In the formulation of a natural moral logic, it is

most important to discover how people actually reason about moral problems. Responsible love or agapē differs formally from justice as fairness in that the interests of others are to be favored over those of the self. To establish this formal option as significant in natural logic, it must be found that some people do favor others in the formation of their moral judgments. Outka's hint is that the place to begin is where relations are highly personal and the exchanges too frequent and multi-dimensional for an easy calculation of equity. Fortunately there is some empirical research already in existence which indicates the existence of a morality of responsible love.

d. Rights and Responsibilities

Kohlberg is of the opinion that his studies of moral judgment have established the precedence of the language of rights and duties, i.e. justice, in the moral domain. Empirical studies have shown that persons at a wide range of ages reason according to the demands of the concept of justice. This usage furthermore is parallel to and supports the opinions of certain philosophers as to the primacy of justice generally. However Kohlberg's emphasis on justice has not gone unchallenged even among those who have collaborated with him in research. Carol Gilligan is of the opinion that by focusing

on the language of rights and duties, we can easily overlook, wrongly classify, and be insensitive to certain aspects of moral thinking in women. Gilligan believes that psychologists such as Kohlberg with his conception of justice has overemphasized the autonomy of the person. This emphasis may represent "a conception of adulthood that is itself out of balance, favoring the separateness of the individual over its connection to others and leaning more toward an autonomous life of work than toward the interdependence of love and care."⁷³

There is considerable irony in Gilligan's suggestion that Kohlberg's emphasis on the autonomy of the individual in his conception of justice is "out of balance."⁷⁴ Balance in arbitrating moral claims is exactly what Kohlberg believes contributes so much to the primacy of the justice structure in moral thinking. But I think Gilligan is quite probably right here. It is of doubtful worth to try to view all human relationships in terms of justice.

Parenting for instance is an inherently one-sided and "unfair" relationship. A parent must continually be prepared to make sacrifices of time, interests, money, and so on if the child is to be properly nurtured. Career and other goals must sometimes be sacrificed where time is the limiting factor. In the past in our society, this type of problem was resolved by making women the chief caretakers and allowing men to pursue

careers. By sex-typing the caretaking roles, men could pursue justice and women sacrifice. This is not to say that child-rearing is all sacrifice. There are both psychic and real rewards associated with it. There is nothing like an infant's smile; and in the past the caretaking could be returned in the parent's old age. Still it is the case that the exchange relationship in its fullness is sufficiently remote so as to make justice conceptions of questionable applicability. Even if it is said that we are giving our children what our parents gave to us and that this constitutes the just relationship, is it possible to ever even roughly match diaper for diaper or sacrifice for sacrifice?

Kohlberg's moral dilemmas used for psychological investigation do not or just barely tap the dimension of caretaking. In his famous Heinz dilemma, the question is whether you would steal a druggist's property to save your wife's life. The dilemma is between right to property and right to life. Although it is possible to consider the dilemma in terms of sacrifice (risking criminal penalty to save your wife's life), the dimension of immediate exchange is foremost (my duty to save her life is based on her duty to steal for me in a similar situation). A caretaking dilemma, on the other hand, would be very different. A question would need to be framed where there is a minimal exchange relationship and real

sacrifice involved.*

The equilibrium involved in responsible love is not the equilibrium of justice as fairness. Justice as fairness concentrates on the individual person in the calculation of the equilibrium condition. Responsible love allows for disparities among individuals as long as there is a balance on some larger unit level (e.g. the family). Using responsible love as a central organizer, a person can justify sacrificing his own interests to benefit others. Thus the task of caring for dependents can be considered a moral duty even when more is required than can be ever returned. Sacrifice may not be the dominant tone of modern, industrialized liberal democracies. A family's eldest son may not be routinely faced with, say,

* A caretaking dilemma might be similar to the following: Charles has always wanted to be a doctor. He now has the opportunity to go to medical school. Unfortunately his father has just been killed and his mother crippled in an auto accident. Charles is the only one in his family who can work. Without him, his mother and three younger sisters will have to go on welfare. The welfare money buys barely enough to eat. His crippled mother and three sisters will have to move out of their house and look for a cheap apartment in a run-down and dangerous area of the city. Charles wants to help, but he realizes that almost nobody over thirty is admitted to medical school. That is what he will be if he works to support his sisters until they are old enough to work. What should Charles do? Why?

Here Charles' right to a rewarding career is in conflict with his caretaking responsibilities.

staying in the village engaged in drudgery in order to care for aging parents and younger siblings as in traditional agrarian societies. However at times and places where this is the case, conceptions of justice may not be dominant in moral thinking.

Carol Gilligan has not concerned herself with the larger societal aspects and equilibrium conditions of responsible love. Her interest has been in establishing the existence of a language of responsibility and care not assimilable to justice. Gilligan has found through Kohlbergian-type clinical interviews that some women generally conceive of relationships in terms of responsibilities for others. She has also found that women facing the dilemma of abortion are very apt to think in terms of responsibility rather than the fairness of relationships. These findings I think are of major importance for the comprehensive study of moral development.

Gilligan has investigated clinically and in depth the thinking of twenty-nine women faced with abortion who are described as "diverse in age, race, and societal class."⁷⁵ Her belief is that the "abortion dilemma, in particular, reveals the existence of a distinct moral language whose evolution informs the sequence of women's development."⁷⁶ This is the language of responsibility "which defines the moral problem as one of obligation to exercise care and avoid hurt."⁷⁷

Gilligan suggests that there are three developmental levels and two transitional phases in the language of responsibility.

According to Gilligan the starting point in the language of responsibility is concern with self. The abortion decision is centered on how it serves personal needs. Having a baby may be a way to get away from home.⁷⁸ Or an abortion may be planned because it enables the individual to continue in school.⁷⁹ Relationships tend to be seen as selfish, threatening, and disappointing. Survival of the self is stressed. The selfishness of the first level is only gradually mitigated as the issue of responsibility arises. The exercise of responsible decision is seen as a way to enter the adult world.⁸⁰ However initially the concept of responsibility repeatedly turns back towards selfish interests.⁸¹

When a person's concerns do shift from self to responsibility, a second level is achieved. The self is defined in terms of the capacity to care for and protect others.⁸² In the abortion decision, concern for others is expressed in the desire not to hurt those involved. This may be the fetus, the woman's family, her lover, or even her lover's wife and children.⁸³ The needs of others take precedence over her own. The focus on the position of the other is so strong that a person often submits to the other's expressed wishes whatever her own beliefs. Desiring not to be selfish, she abandons her own

view or perspective and follows the decisions of others. This results in a paradoxical situation where the person considers herself "responsible for the actions of others, while holding others responsible for the choices she makes."⁸⁴ In this way the person can partially escape from the heavy onus of responsibility she feels for others. Assertion is disguised as response and submission as concern for others.

This focus on others in the morality of care and responsibility is not stable. It is recognized that in giving in to the expressed desires of others and being concerned with the appearance of caring lacks the substance of responsibility. To be truly responsible, decisions have to be made by one's self. In this transitional phase, a concern for self re-emerges as part of an overall attempt to evaluate intentions and consequences.⁸⁵ Although the concern for self is apt to be occasionally interpreted as giving in to selfishness, the underlying feature is emphasis on the self's ability to make decisions affecting others and take responsibility for them.

At the third level there is finally a complete willingness to take personal responsibility for decisions affecting others.⁸⁶ With this willingness to admit decisional responsibility comes the ability to operate truly in terms of caring for others. The injunction against hurting is elevated to a principle of nonviolence governing all moral judgment and

action. Whereas at the second level concern for others could actually result in greater hurt by giving in to their expressed desires or the wish to appear caring, now hurt can be minimized by recognizing all the factors in the situation. No longer is the reality of the self's importance to the decision-making process denied. Consequently the self's impact on the situation can be truly evaluated and concern for others truly expressed.

Concern for others means a heightened sense of responsibility. With this awareness comes a heavier load to bear. A developmental task of those who orient to care and love of others is to come to terms with this heavier load. At first there is no awareness of responsibility for others. Decisions are made in terms of personal needs. When responsibility for others is recognized, there is an attempt to have others make the decisions and so avoid the onus of responsibility. Finally there is an acceptance that real responsibility and care means accepting the onus of decisions. This is what Gilligan has found.

My report of Gilligan's work is interpretive. I have not followed Gilligan's exposition exactly because it is my belief that she has not succeeded in isolating the structural characteristics of the morality of responsibility. Specifically she has failed to differentiate between egocentrism

and egoism. A person is egocentric if "while he believes himself to be sharing the point of view of the world at large he is really still shut up in his own point of view."⁸⁷ Egoism is the moral strategy of favoring the self in situations of conflict. In outlining the morality of responsibility, Gilligan notes that in the beginning individuals are concerned with personal needs and wants. She does not indicate whether this is because a person is unable to understand other viewpoints or is engaging in a moral (immoral?) strategy of favoring the self.

This is a mistake Kohlberg makes as well. Both Kohlberg and Gilligan identify favoring the self with lack of development in moral judgment. This is appropriately done where concern with self results from egocentrism of perspective. Then concern with self is a matter of not being able to see other points of view. But where the interests of the self are given precedence even when there is full comprehension of the various points of view, a morality of rational egoism is operative.

I intend to spend the next two chapters making clear the difference between rational egoism as an alternative morality and egocentrism of perspective as indicating a lack of development or maturity. My interest now is in Gilligan's failure to differentiate among the different moral strategies.

Gilligan suggests that the morality of responsibility is in its most developed form a morality of nonviolence. With this I fully agree. But in her definition, the morality of nonviolence asserts a moral equality between self and others.

By elevating nonviolence--the injunction against hurting--to a principle governing all moral judgment and action, she is able to assert a moral equality between self and other. Care then becomes a universal obligation, the self-chosen ethic of a post-conventional judgment that . . . allows the assumption of responsibility for choice.⁸⁸

Moral equality between the self and others is what is asserted in justice as fairness. In nonviolence or responsible love, a person is willing to place his own interests in considerable jeopardy in order not to injure others. Thus the Sermon on the Mount teaches:

You have heard it was said, 'An eye for an eye and a tooth for a tooth'. But I say to you, Do not resist one who is evil. But if any one strikes you on the right cheek, turn to him the other also; and if any one would sue you and take your coat, let him have your cloak as well; and if any one forces you to go one mile, go with him two miles (Matt. 5:38-41; Revised Standard Version).

Or as H. Richard Niebuhr has said:

In all such love there is an element . . . which is not a form of flight but rather deep respect for the otherness of the beloved and the profound unwillingness to violate his integrity. Love is loyalty; it is the willingness to let the self be destroyed rather than that the other

cease to be; it is the commitment of the self . . . to make the other great.⁸⁹

Or as Leo Tolstoy puts it:

Never resist the evildoer by force, do not meet violence with violence. If they beat you, endure it; if they take your possessions, yield them up; if they compel you to work, work; and if they wish to take from you what you consider to be yours, give it up.⁹⁰

Or as M. K. Gandhi summarizes it:

Individuals or nations, who would practice non-violence, must be prepared to sacrifice all except honour.⁹¹

Nonviolence can be used tactically by those who adhere to moral strategies of justice as fairness or rational egoism. But when nonviolence ceases to be a tactic and becomes a central organizer of moral judgment, the operative assumption is that in cases of conflict an individual must be prepared to sacrifice his own interests. This sacrifice of the self's interests can produce an equilibrium condition when it compensates for the violation of rights. In an unjust world, saints may be required if the good is to be achieved.

I suggest Gilligan errs in her description of a morality of responsibility and care. She has not identified the basic assumptions which set off the central organizing principle of responsible love from other moralities. Instead she has focused on the feminine voice in morality. She claims

that the "language of selfishness and responsibility and the underlying moral orientation it reflects sets the women apart from the men Kohlberg studies . . ."⁹² Gilligan believes that her research establishes the distinctiveness and equality, if not priority of the feminine voice in morality. I however have serious doubts that the dominant principles of moral understanding are strongly sex-typed, if at all. At most I would expect only a weak association due to female prominence in caretaking roles.

Gilligan provides very little data to back up her claim about the distinctiveness of the feminine voice. I believe her contribution to be more a matter of identifying an existing moral language not assimilable to justice as fairness in the thought-worlds of individuals. She came to this discovery by conversing with women. But I suspect the discovery could just as well have been made in the context of traditional Christian institutions. The language of responsible love and care permeates such institutions.

The degree to which alternative moralities are indeed sex-typed or culture-specific is a matter for investigation. It is an investigation which would carry us beyond the limits of this dissertation. The emphasis now is on establishing the ways in which fundamental moral assumptions vary so as to produce alternative moralities. This type of conceptual clarity

is a necessity if an adequate investigation of the natural logic of morality is to be conducted. Favoring the interests of others in situations of conflict so as to avoid hurt is the strategy of responsible love. Balancing the interests of the self and others in situations of conflict is the strategy of justice as fairness. Favoring one's own interests is the strategy of rational egoism. It is time now to turn to an examination of this strategy.

ENDNOTES

¹ Lawrence Kohlberg, "Moral Stages and Moralization: The Cognitive-Developmental Approach," in Moral Development and Behavior: Theory, Research, and Social Issues, ed. by Thomas Lickona (New York: Holt, Rinehart and Winston, 1975), p. 35.

² Lawrence Kohlberg, "The Claim to Moral Adequacy of a Highest Stage of Moral Judgment (rev.)," in Essays in the Philosophy of Moral Development (Cambridge: By the Author, 1978), p. 154.

³ Jean Piaget, The Psychology of Intelligence, trans. by Malcolm Piercy and D. E. Berlyne (London: Routledge and Kegan Paul, 1947), pp. 43-45.

⁴ Kohlberg, "The Claim to Moral Adequacy (rev.)."

⁵ Ibid., p. 154.

⁶ Jean Piaget, Biology and Knowledge: An Essay on the Relations between Organic Regulations and Cognitive Processes, trans. by Beatrix Walsh (Chicago: The University of Chicago Press, 1971), pp. 361-62.

⁷ R. B. Brandt, Ethical Theory (Englewood Cliffs: Prentice-Hall, 1959), p. 103.

⁸ Peter Singer, Animal Liberation (New York: Avon Books, 1975), p. 7.

⁹ Erik H. Erikson, Identity: Youth and Crisis (New York: W. W. Norton & Company, Inc., 1968), p. 41.

¹⁰ Lawrence Kohlberg, "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development," in Cognitive Development and Epistemology, ed. by T. Mischel (New York: Academic Press, 1971), pp. 151-235.

¹¹ Kohlberg, "The Claim to Moral Adequacy (rev.)."

¹² Ibid., p. 149.

¹³ Ibid.

- 14 Jean Piaget, "Piaget's Theory," in Carmichael's Manual of Child Psychology, Vol. 1, 3rd ed., ed. by P. H. Mussen (New York: John Wiley, 1970), p. 725.
- 15 Piaget, Biology and Knowledge, p. 12.
- 16 "Barbel Inhelder and Hermina Sinclair, "Learning Cognitive Structures," in Trends and Issues in Developmental Psychology, ed. by P. Mussen, J. Langer, and M. Covington (New York: Holt, Rinehart and Winston, 1969), pp. 2-21.
- 17 John Rawls, A Theory of Justice (Cambridge: The Belknap Press, 1971), p. 48.
- 18 Ibid., Chap. VIII.
- 19 Ibid., p. 461 n.
- 20 Ibid., pp. 458-61.
- 21 Ibid., p. 461.
- 22 Ibid., p. 47.
- 23 e.g. Noam Chomsky, Language and Mind, enlarged edition (New York: Harcourt Brace Jovanovich, 1972), p. 79.
- 24 Jonathan Harrison, "Ethical Objectivism," in The Encyclopedia of Philosophy, Vol. 3, ed. by Paul Edwards (New York: Macmillan Publishing Co., Inc., 1967), p. 72.
- 25 Rawls, A Theory of Justice, pp. 34-40.
- 26 Ibid., p. 49.
- 27 Ibid.
- 28 Piaget, Biology and Knowledge, p. 363.
- 29 Ibid.
- 30 Ibid., p. 64.
- 31 Ibid.
- 32 Ibid., p. 362.

33 Kohlberg, "The Claim to Moral Adequacy (rev.)," p. 149.

34 Ibid., p. 152.

35 Rawls, A Theory of Justice, p. 17 f.

36 Kohlberg, "The Claim to Moral Adequacy (rev.)," pp. 151-52.

37 Ibid., p. 152.

38 Ibid., p. 153.

39 Ibid.

40 See Jean Piaget, "Piaget's Theory," pp. 726-29, for a concise account of the development of mature logical thinking.

41 Bärbel Inhelder and Jean Piaget, The Early Growth of Logic in the Child: Classification and Seriation, trans. by E. A. Lunzer and D. Papert (New York: W. W. Norton & Company, Inc., 1964), p. 143.

42 Ibid., Chap. 1.

43 Ibid., Chap. 2.

44 William Damon, The Social World of the Child (San Francisco: Jossey-Bass, Publishers, 1977), p. 118.

45 Ibid., p. 78.

46 Ibid., p. 81.

47 Ibid., p. 85.

48 Inhelder and Piaget, The Early Growth of Logic in the Child, p. 250.

49 Ibid.

50 Ibid.

51 Kohlberg, "The Claim to Moral Adequacy (rev.)," p. 154.

52 Bärbel Inhelder and Jean Piaget, The Growth of Logical Thinking from Childhood to Adolescence: An Essay on the Construction of Formal Operational Structures, trans. by A. Parsons and S. Milgram (New York: Basic Books, 1958), Chap. 3.

53 Deanna Kuhn, Jonas Langer, Lawrence Kohlberg, Norma S. Haan, "The Development of Formal Operations in Logical and Moral Judgment," Genetic Psychology Monograph, 1977, 95, p. 157.

54 Kohlberg, "The Claim to Moral Adequacy (rev.)," p. 154.

55 Piaget, "Piaget's Theory," p. 727.

56 R. Brown and R. Herrnstein, Psychology (Boston: Little, Brown, 1975), p. 325.

57 L. Kohlberg, P. Scharf, and J. Hickey, "The Justice Structure of a Prison--A Theory and an Intervention," The Prison Journal, Autumn-Winter, 1972, Vol. li, No. 2, p. 6.

58 Kohlberg, "The Claim to Moral Adequacy (rev.)," p. 168.

59 Rawls, A Theory of Justice, Chap. VIII.

60 Ibid., pp. 453-54.

61 Ibid., p. 5.

62 Ibid., pp. 485-90 & 505.

63 Robert Paul Wolff, Understanding Rawls: A Reconstruction and Critique of A Theory of Justice (Princeton: Princeton University Press, 1977), p. 190.

64 Lawrence Kohlberg, "The Future of Liberalism as the Dominant Ideology of the West," in Essays in the Philosophy of Moral Development (Cambridge: By the Author, 1978), p. 59.

65 Ibid.

66 Ibid.

67 Elie Wiesel, Night, trans. by Stella Rodney (New York: Avon Books, 1960), p. 78.

68 e.g. Robert Nozick, Anarchy, State, and Utopia (New York: Basic Books, Inc., 1974), p. 232 f.

69 See C. Milo Connick, Jesus: the man, the mission, and the message, 2nd ed. (Englewood Cliffs: Prentice-Hall, 1974), Chap. 15, for a brief discussion of the perfectionism of the Sermon on the Mount.

70 Gene Outka, Agape: An Ethical Analysis (New Haven: Yale University Press, 1972), p. 7 n.

71 Ibid., Chap. 3.

72 Ibid., pp. 309-10.

73 Carol Gilligan, "In a Different Voice: Women's Conceptions of Self and of Morality," Harvard Educational Review, Vol. 47, No. 4, Nov. 1977, p. 482.

74 Ibid.

75 Ibid., p. 491.

76 Ibid., p. 492.

77 Ibid.

78 Ibid., p. 493.

79 Ibid., p. 492.

80 Ibid., p. 494.

81 Ibid., p. 495.

82 Ibid., p. 496.

83 Ibid., p. 497.

84 Ibid., p. 498.

85 Ibid.

86 Ibid., p. 507.

87 Jean Piaget, The Moral Judgment of the Child, trans. by Marjorie Gabain (New York: The Free Press, 1965), p. 36.

88 Gilligan, "In a Different Voice," p. 504.

89 H. Richard Niebuhr, The Purpose of the Church and Its Ministry (New York: Harper & Row, 1956), p. 35.

90 Leo Tolstoy as quoted in H. Richard Niebuhr, Christ and Culture (New York: Harper & Row, 1951), p. 59.

91 M. K. Gandhi as quoted in I. C. Sharma, Ethical Philosophies of India, rev. and ed. by S. M. Daugert (New York: Harper & Row, 1965), p. 332.

92 Gilligan, "In a Different Voice," p. 492.

CHAPTER VI

ALTERNATIVE MORALITIES: RATIONAL EGOISM

Responsible love and justice as fairness are both attractive moral conceptions. It is easy to believe that morally mature and well-intentioned people could utilize either as the prime organizer of their moral thinking. Indeed many people may make substantial use of both conceptions depending upon the social relationship. Responsible love seems to have a natural home in family and other intimate relations. Justice seems more appropriate for contractual relations between persons not intimately familiar with each other. However as the two conceptions are systematized and expanded, a conflict does arise. Responsible love requires individuals to take risks in the service of others that justice as fairness reserves for saints. A person who reasons according to justice as fairness may be able to justify some risk-taking where the discrepancy between present reality and future expectation is not too great. But it is the self-sacrificial saint who can forego his own claims that truly can struggle for a new and better world. The just person approaches what is better only through some law of progress or its equivalent.

In this chapter I want to turn to what may be relatively

unattractive moral conceptions. These moral conceptions are so unattractive in their unadorned state that their proponents do not always approach them directly. Rather they argue circuitously about the state of nature, society, economics, and so on until they reluctantly arrive at their recommendations. As they construe the matter, it is the nature of things that propels and forces them to their moral conceptions. Contemplation of the nature of reality replaces contemplation of the explicit moral ideal as the focus of their thinking. This is because assertion of the self can hardly serve as a communal ideal without a compensatory world-view or mythology.

A claim that one should favor himself over others arouses all sorts of objections. These objections are of two types. One type is aimed at the presumed immorality of such behavior. According to the moral conceptions of justice as fairness and responsible love, favoring the self over others is immoral. Either others should receive the same treatment as the self, or others should be favored. Egoistic moral behavior is condemned. The second type of objection denies that behavior where one seeks to serve his own best interests is moral. Moral behavior is distinguished from prudential behavior. While it is admitted that on many occasions individuals must seek to maximize their own interests, such self-seeking is considered prudential and subordinate to moral

requirements.

In this chapter I am interested in only the first type of objection. I wish to show how egoism in adorned form can represent a compelling option in moral understanding. I suspect that rational egoism is the dominant morality in our society although it is often overlooked in moral discussion. Robert Nozick in his Anarchy, State, and Utopia makes what I construe as perhaps the best contemporary case for rational egoism.* I shall begin by looking at his presentation. Interestingly Nozick's version of the just society is based on a state-of-nature mythology which can be usefully contrasted with Rawls' veil of ignorance. In the state of nature persons make contracts with a knowledge of their particular identities. They are entitled to develop what resources they have in the furthering of their own interests. Nozick considers it immoral to deprive somebody of what he possesses in the state of nature without compensation. Not only is the person deprived

* I suspect Nozick would not be entirely happy about my assimilation of his views to rational egoism. Under his scheme persons are free to contribute to the welfare of others. They simply are not obligated. But this lack of obligation is precisely why I would consider his scheme to be one of rational egoism. Where it is considered morally justifiable to favor one's own interests, concern for equal treatment or the favoring of others is of only incidental importance.

of what is properly his. Also the means for production of a greater social good are compromised. Nozick views historical ownership and individual productive effort as keys to the establishment of a morally good and just society. Nozick believes that insofar as rights are concerned, society cannot overturn what nature has provided. It can only protect and integrate. The open question is to what extent this state-of-nature world-view should serve as a guide to action.

Nozick's views, I shall suggest, are based on the assumption that the self should be favored in exchanges. Nozick adheres to a relational inequality thought to be justified by the unequal division of abilities and assets given in the original state of nature. Alongside this type of rational egoism is another. Rational egoism can be based on classificatory inequality. Although I believe the morality of racism could be usefully viewed as rational egoism based on classificatory inequality, in this chapter I want to look at the more appealing mythology attached to caste society in India. Justice as fairness, responsible love, and state-of-nature rational egoism are all built on the assumption of classificatory equality. The assumption is that all moral persons have equal dignity and right to engage in whatever exchanges are allowed in society. These moralities differ only in their strategies of treating the other. Indian caste society does not assume

that persons have equal dignity and right to engage in exchanges. Rather it distinguishes between persons by reference to caste origin. Particular castes are not allowed to engage in certain types of exchanges. Lower caste origin means less intrinsic dignity. All persons of the same caste have the right to engage in the same activities, but very different activities are allotted to the different castes. Rational egoism exists within the caste system. But it exists in the favoring of one's own caste over that of others.

a. Constraints and Entitlements

In justice as fairness there are two requirements. First the person is to draw a veil of ignorance over the particular identities of those involved in the dilemma. This is so he can assume the perspective of each person involved in the dilemma. No preference is to be given to one perspective over another because of the identity attached. Having drawn the veil of ignorance, the person is then to try to maximize the values inherent in each position and coordinate between them. He is to do this until he is able to achieve a solution that is the most satisfactory achievable from whatever perspective it is viewed. A solution so achieved is considered a just and fair one.

The veil of ignorance is a necessary feature of justice

as fairness. It is the symbolic way of expressing the idea that personal identities should have no effect on moral solutions. All are to be regarded equally with differences in treatment due entirely to the relevant differences in position. The identity of the person involved is not a relevant difference. This exclusion of personal identities from moral problems is open to challenge however. On what grounds is the exclusion to be justified? Does it not exclude morally relevant information from being considered in the search for solutions?

Those who would say that it does include the philosopher Robert Nozick. Nozick rejects the justice-as-fairness view with its dependence on the veil of ignorance. He believes that a just society is achievable without the veil of ignorance. Indeed he goes further and asserts that the veil of ignorance as it is used by Rawls works against the achievement of a just society. He believes that we are entitled to our identities. Only in a society where people are free to be themselves and enter freely into agreements with others is justice attainable. Nozick's justice is the justice of rational egoists who recognize that their own interests are most benefited by certain minimal societal structures ensuring orderly exchanges. Where Rawls sees distributive equality as a prime indicator of justice, Nozick sees the ability to freely choose and enter

into agreements as primary.

Nozick believes that the starting point of justice can be properly conceived by reference to a symbolic state of nature. Unlike justice as fairness where individuals have no rights in the original position (other than the right to agree to some general societal organization), individuals in the state of nature have rights from the beginning. As Nozick says:

Individuals have rights, and there are things no person or group may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials can do.¹

Nozick is not very specific as to what these rights are. But he agrees with John Locke that they include rights to life, health, liberty, and possessions.²

In the state of nature an individual is responsible for protecting his rights, exacting compensation when they are violated, defending himself, etc. In order to do this better, he may enter into agreements with others and form protective associations.³ Others come to the individual's aid when needed in exchange for a reciprocal obligation. There is strength in union exceeding any individual's power. However these protective associations are deficient in at least one respect. As long as the individual's protective association is not the dominant one, his rights may be violated with

impunity by those in stronger associations. In Nozick's view, this problem is resolved as gradually power is monopolized by the dominant protective association in a geographical region. Where there is a monopoly of power, all must live according to the rules of the dominant agency. The state justifiable by moral theory in Nozick's view is nothing other than a dominant protective agency with a monopoly of power which redistributes income by providing equal protection for all within its territory regardless of whether all pay for it.⁴

Nozick's view is that protection of rights is the fundamental raison d'être for the existence of states. Rights exist in the state of nature and do not need distribution by some sort of agreement reached behind a veil of ignorance. It is only as humans interact that there is conflict and violation of rights. This conflict leads by way of the formation of protective associations and a gradual monopolizing of power to the state. Rational egoists agree to the state because it is in their interest to do so. Only the state can guarantee them their rights. Those who attempt to take more than is properly theirs are kept from doing so by the power of the state. Self-interest leads to harmony because self-interest values protection more than it values a winner-take-all situation. No individual is more powerful than a protective association. And the existence of protective associations

leads to a state where the rights of all are protected equally.

This explanation of the rise of a just state (a state which only protects rights and gathers revenue to provide this protection) is an equilibrium explanation. In other words, the laws enforced by the just state represent an equilibrium in the interaction of competing egoistic interests. In the view of the rational egoist, many things including harmonic social arrangements some have attributed to benevolence or concern for others actually arise by the equilibration of private interests. We need not worry about others as much as we need to worry about protecting our own interests. If we do that, the rights of others will be guaranteed by an equilibration process leading to the just state. Nozick is quite open about his preference for such an equilibrium explanation about how the general social welfare is advanced by individual self-interest. He finds:

. . . a certain lovely quality to explanations of this sort. They show how some overall pattern or design, which one would have thought had to be produced by an individual's or group's successful attempt to realize that pattern, instead was produced by a process that in no way had the overall pattern or design "in mind." After Adam Smith, we shall call such explanations invisible-hand explanations. ("Every individual intends only his own gain, and he is in this, as in so many other cases, led by an invisible hand to promote an end which was no part of his intention.")⁵

Nozick is not concerned with whether any state currently existing or which has existed actually conforms to his notion of the just state. He is simply concerned with explaining how a state of nature where persons are endowed with inalienable rights can lead to the formation of a just state or the fair regulation of competing interests. Where Kohlberg offers a faith in progress as a guarantee of the relevance of justice as fairness to our world, Nozick offers an "invisible hand." The invisible hand or the possibility of an equilibrium condition in the organization of competing self-interests allows us to focus on them in our moral judgments. If self-interest led only to chaos, that would be a substantial argument against focusing on it in moral considerations. But this is what Nozick denies.

Nozick recognizes that present social reality is not harmonic or that envisaged in the invisible-hand explanation of the just society. He suggests that there are two main reasons for this. The first reason is that there has been a tendency to focus on moral concerns as goals rather than as constraints. The second is that distributions have been measured against some egalitarian ideal rather than as a matter of entitlements.

To view moral concerns as constraints rather than as goals is to orient to the rules by which an affair is to be

conducted rather than to its outcome. In ordinary competitive games, to play fairly is to play by the rules. The game is played according to the rules set before it begins. The outcome of the game cannot be protested unless there has been a violation of the rules. If the game has been grossly one-sided, that is unfortunate. But it is not unfair. The loser may be upset at the outcome, but he cannot complain about its fairness.

Nozick's view is that those who orient to moral concerns as goals tend to be in the position of those who wish to judge the fairness of a game by its outcome.* They focus on the outcome of the game and then reason backwards to some better arrangement of the rules or teams so that the outcome is less one-sided. In doing so, they act as if the outcome of the game were all-important rather than how it came about.

* Construal of moral concerns as constraints rather than as goals is perhaps the fundamental philosophic difference between Nozick's rational egoism and Rawls' justice as fairness. Interestingly justice as fairness may militate against the establishment of a stable just society. It justifies the violation of rights such as ownership (as the social product is redistributed) in pursuit of the goal of equality. Equal treatment of the self and others may seem commendable. But in Nozick's view, it actually works against the invisible hand by presuming that others are not competent to know and protect their own interests. In the name of fairness, a totalitarian control is established over what exchanges individuals can agree to make and what individuals can aspire to achieve.

Teams or individuals are penalized for any extra effort or hustle which results in an unbalanced outcome. The emphasis is on the closeness of the game even if this has to be brought about by penalizing superior play.

Goal-oriented moralities can be criticized on several counts. One criticism is that traditionally aimed at utilitarian conceptions. Where the focus is on outcomes, individual rights get violated. For example, if a player is costing his team points, there is every reason to get rid of the player. The focus on winning (or at least losing well) in competitive sports operates against everybody getting a chance to play. Some people can be allowed to play only at the cost of their team's final score. To maximize the final score, the best strategy is to leave the most proficient players in for as long as possible.

The criticism holds for goal-oriented moralities of rights (such as justice as fairness*) as well as the usual utilitarian conceptions. Maximization of rights may require the violation of individual rights. Take the case of a mob

* Neither Kohlberg or Rawls would likely admit this in respect to certain rights such as right to life. In their intuitionism, they stop juggling individual rights at this point. Only such rights as right to property may be violated for a greater good.

rampaging through a town in pursuit of somebody they want to punish.⁷ Even if this person is innocent, maximization of rights may require the violation of his rights. The mob on its rampage may be violating other people's rights so that it is better to sacrifice the innocent individual to its fury rather than many innocent individuals. This would never be morally justifiable from the viewpoint of moral rights as constraints. Here there is an unwillingness to sacrifice the innocent individual to the mob even at the cost of many individuals. Individuals are viewed as inviolable.⁸ * The function

* Incidentally, Kohlberg in his abhorrence of capital punishment would be better off using Nozick's conception of rights as constraints than Rawls' goal-oriented conception. Kohlberg has in two versions of an article argued extensively against capital punishment.⁹ In both, his argument turns on the view that "it would never be rational to prefer one's prospects under capital punishment to one's prospects under an alternative system, no matter how great a deterrent effect the death penalty might have."¹⁰

Kohlberg's arguments notwithstanding, there is no reason to think that this is the case. It is not irrational to prefer a minor risk of being wrongly executed by the state over a major risk of being wrongly executed by criminals. A usual reason for rejecting capital punishment lies in its ineffectiveness as a deterrent. The argument over effectiveness is what Kohlberg wishes to go beyond. He believes with Kant and Rawls that persons are to be treated only as ends, not means.¹¹ But this is the assertion of an intuitive belief about the unacceptability of choosing between the lives of persons. It is an avoidance of the dilemma of who lives rather than a solution (if indeed there is a trade-off between the lives of the executed and the lives of victims of crimes). Nozick's view of moral concerns as constraints on action is more consistent and straightforward in admitting that there are certain things you argue from, not to, than . . . /

of rights operating as constraints on action is to deny that there can be trade-offs when it comes to basic human rights. The person pursued by the mob could voluntarily sacrifice himself if he so chose. But the view of rights as constraints would not allow any one to force his sacrifice in order to save others.

A second criticism of goal-oriented moralities is that they lack an historical dimension. They rate this or that distribution as just or unjust without regard for how it came about. Nozick is particularly critical of Rawls' conception of justice as fairness on this point. In Rawls' conception, persons are to decide the justice of a distribution from an original position where they are denied a knowledge of what position they will occupy. In such a situation, individuals not unreasonably choose to limit the disparities among positions as they may end up occupying the worst ones. Improvement in the better-off positions is accepted only as there is improvement of the worst positions. Unfortunately this disregards at least some of the reasons people end up in unfortunate circumstances.

* (cont'd) . . . Kohlberg's attempt to portray those in favor of capital punishment as morally undeveloped or irrational.

One reason that there are disparities in distribution is just desert. As Nozick points out:

If some persons are in prison for murder or war crimes, we do not say that to assess the justice of the distribution in the society we must look only at what this person has, and what this person has, and that person has, . . . at the current time. We think it relevant to ask whether someone did something so that he deserved to be punished, deserved to have a lower share. Most will agree to further information with regard to punishments and penalties. Consider also desired things. One traditional socialist view is that workers are entitled to the product and full fruits of their labor; they have earned it; a distribution is unjust if it does not give the workers what they are entitled to. Such entitlements are based on some past history. . . . (The) socialist rightly, in my view, holds onto the notions of earning, producing, entitlement, desert, and so forth, and he rejects current time-slice principles that look only to the structure of the resulting set of holdings.¹²

Nozick believes that if we are to assess properly the justice of a situation, we do not merely need to get agreement about its acceptability to individuals bargaining from a position of ignorance. Not unreasonably, persons focusing on a position they might occupy rather than on the reasons which bring about its occupation, may well choose to minimize differences. But is this just?

In Nozick's view, the justice of any distribution concerns how it is brought about, not in its approximation of an egalitarian ideal at any particular time. Nozick believes

that in a wholly just world the following definition would exhaustively cover the subject of justice in holdings.

1. A person who acquires a holding in accordance with the principle of justice in acquisitions is entitled to that holding.
2. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to that holding, is entitled to the holding.
3. No one is entitled to a holding except by (repeated) applications of 1 and 2.¹³

Justice has to do with what people are historically entitled to, not with the pattern of any particular distribution. This entitlement begins in the state of nature with the rights all individuals have. Through market exchanges, innovation, and opportunities, what entitlements particular individuals have constantly change. This results in unequal distribution of entitlements at various times. If this inequality at times seems offensive, as long as it has been brought about without violation of rights, little can be done about it without placing restrictions on the freedom of individual choice. And such restrictions mean violation of individual rights.

Inequality necessarily arises where people are free to choose what they wish to purchase. Suppose we have an egalitarian distribution all would consider just. Suppose also that a million people were willing to pay an entertainer a quarter each to see him perform. Immediately an inequality of

distribution occurs. What Nozick wants to know is whether this inequality should be considered unfair. If so, would it have been unfair for the entertainer to refuse to perform beyond the minimum required to receive his equal allotment even if this meant depriving the public of its entertainment? In Nozick's view:

. . . no end-state principle of distributional patterned principle can be continuously realized without continuous interference with people's lives. Any favored pattern would be transformed into one unfavored by the principle, by people choosing to act in various ways; for example, by people exchanging goods and services with other people, or giving things to other people, things the transferers are entitled to under the favored distributional pattern. To maintain the pattern one must continually interfere to stop people from transferring resources as they wish to, or continually (or periodically) interfere to take from some persons resources that others for some reason chose to transfer to them.¹⁴

Nozick considers egalitarian justice brought about by social mechanisms of compensatory transfer to unjustly violate the right to free choice and individual initiative.

Nozick thinks that Rawls' way of deciding how social products should be distributed would be applicable only to things like manna from heaven.¹⁵ It is acceptable to claim that something of value no one has a hand in producing or a particular entitlement to should be divided equally. But this is not the case with most items. To expropriate items from

the laborer, the inventor, and the entrepreneur on behalf of the lazy, the uninventive, and the person who takes no risks is unfair. Yet Nozick thinks that this is what Rawls and other social theorists who try to impose some ideal pattern of distribution on a social arrangement propose. Nozick thinks we must get away from goal-oriented moral conceptions with their end-result distributional principles. A just arrangement is where rights are seen as constraints on action and distribution a matter of entitlements.

b. Nozick and Rational Egoism

Nozick does not argue that self-interest should be primary in relationships. He argues that individuals have rights and entitlements which preclude the just imposition of any social arrangement on behalf of an egalitarian or any other ideal. One is to judge the fairness of a game according to whether it is played by the rules, not according to its outcome. I want now to indicate why I believe that Nozick's scheme should be considered one of rational egoism. To do this, I must point to what may be conceived as inadequacies in Nozick's argument. More properly they should be considered the key assumptions upon which his philosophic structure is

built.*

Nozick's philosophic argument, as I understand it, is built on an assumption that the rules of human interaction are given in the state of nature. Nozick is not very explicit about what these rules are. But he believes the difficulty with Rawls is that he wants to change them in favor of some moral ideal. Nozick thinks that this can only be done at the cost of human freedom and by violating the rightful entitlements of those who have been following the rules given in the state of nature. The richness of the rules given by nature is contrasted with the artificiality and forced character of human moral goals or ideals. Nozick suggests that Rawls and other social theorists want to tailor human conduct to fit some pattern, while the liberty bestowed upon human conduct by nature is destructive of patterns.¹⁶

* I am not interested in attempting to decide whether Nozick's or Rawls' view of justice is more adequate. To do so would require a much larger presentation to deal with the complex and subtle issues involved. What I am interested in showing is how prominent philosophers can differ fundamentally. Given the difference, it is time in the field of moral development to distinguish properly between the morality of justice as fairness and its alternative moralities. To argue that a morality of rational egoism does not represent a mature moral understanding, in my estimation, is to argue that philosophers such as Robert Nozick are morally immature. But I do not believe this is the case. He may be wrong, but he is not immature.

I think that there is much substance in Nozick's criticism. Indeed I have argued (against Kohlberg particularly and Rawls occasionally) that moral ideals are useful guides to conduct only as long as their relative (contextual) nature is admitted. Once there is an attempt to claim that some formulated moral ideal is the one, true form of the good (à la Kohlberg¹⁷), then we have passed beyond the ordinary cognitive ability of human beings. But if Nozick can properly criticize Rawls for overstepping the bounds of human limitations in his attempt to rewrite the rules of human behavior on behalf of his formulated moral ideal, still Nozick has not escaped human limitations by reference to what is given in the state of nature. Knowing what is given in the state of nature is fraught with the same set of epistemological problems. Indeed Rawls may be more correct than Nozick realizes in attributing to human nature an ability to change the rules of conduct by the construction of moral ideals.

I want to claim that Nozick is a rational egoist because of what he attributes to human character in the state of nature. According to Nozick, the starting place is that "individuals have rights."¹⁸ What are these rights? Stated negatively, some are that people cannot "steal from others, or defraud them or enslave them, seizing their product and preventing them from living as they choose, or forcibly exclude

others from competing in exchanges."¹⁹ What is permitted is fair competition for goods among individuals. In this fair competition, persons can draw on whatever abilities and other natural advantages they have. Being more able than others, or being willing to put forth more effort leads to unequal distribution of goods. But this unequal distribution is justified by the fact that an individual is entitled to use to his own advantage what is given him in the state of nature.

Nozick provides us with a revealing example of what he means by the right of individuals to maximal gain from individual advantage.

If the woman who later became my wife rejected another suitor (whom she otherwise would have married) for me, partially because (I leave aside my lovable nature) of my keen intelligence and good looks, neither of which I did earn, would the rejected less intelligent and less handsome suitor have a legitimate complaint about unfairness? Would my thus impeding the other suitor's winning the hand of fair lady justify taking some resources from others to pay for cosmetic surgery for him and special intellectual training, or to pay to develop in him some sterling trait that I lack in order to equalize our chances of being chosen? (I here take for granted the impermissibility of worsening the situation of the person having the better opportunities so as to equalize opportunity; in this sort of case by disfiguring him or injection of drugs or playing noises which prevent him from fully using his intelligence.) No such consequences follow.²⁰

Interestingly what Nozick provides as an example of

unequal competition justified by what is given in the state of nature is really a report on the sexual customs of his own society. Many societies do not regard individuals as free to make their own selections of marriage partners. Nozick's idea of individuals existing autonomously in a state of nature possessing irreducible rights may be as much of a myth as Rawls' social contract agreed to from behind a veil of ignorance.

In a number of societies around the world, marriages have been and continue to be made by parental and family agreements. Individuals are not free to enter into the sort of sexual competition described by Nozick. They are matched less on the criteria of natural ability and attraction than according to the relations maintained by families or whatever the marital exchange group is. But do such arrangements violate the rights given in the state of nature?

I suggest that by Nozick's own entitlement theory, it cannot be consistently asserted that they do. The reason is that individuals do not begin as mature, self-sufficient creatures. Rather they depend on parental and societal nurture while they are children. This means that the parents and society are entitled to at least some return on their investment. One way that parents and society may exercise their entitlements is to arrange marriages to benefit their own interests. Indeed there is a question of what limits there

are on parental and societal entitlements given the fact that all individuals begin as dependent offspring. Nozick does not mention any obligation on the part of parents or society to care for children. His state of nature is inhabited by mature, self-sufficient individuals able to bargain for themselves.

Nozick realizes that the argument from the ownership of children operates to undercut much of his view of the just state as one where freedom justifies even gross inequality. From the beginning of life all individuals are dependent on social arrangements. This gives the community a right to a voice in the determination of what autonomy an individual is to be allowed and how much inequality tolerated. Nozick devotes a whole chapter in his Anarchy, State, and Utopia to the detailing of such considerations.²¹ He then calls it an "eldritch tale" and leaves it at that.²² Assumedly the reader is to regard talk about parental ownership of children and societal ownership of citizens as at least uncommon and perhaps offensive. Without such talk, Nozick's presentation has much more force. It appeals particularly to the reader whose societal background is the same as Nozick's. It is easy to think that the right to sexual competition utilizing the criteria of ability and appearance is somehow guaranteed by the state of nature and not to be tampered with when one's own spouse has been won in that manner. I suspect Nozick's

argument has much less force in societies where this is not true.

There are many examples in Nozick's presentation of what he considers are rights to natural advantages. A revealing one is where he asserts the rights of ten Robinson Crusoes over what is given on their respective, unequally endowed islands.²³ Nozick's moral individuals or Robinson Crusoes have pre-eminent rights to what they are fortunate enough to possess even when mechanisms exist for an equal sharing of the unequal distribution. Individuals have particular and detailed rights to what they are given in the state of nature which no society can interfere with. In contrast to Rawls' persons in the original situation who have no knowledge of even what their own abilities will be, we have Nozick's Robinson Crusoes who know full well not only their abilities, but also their respective holdings in detail. Rawls' persons behind the veil of ignorance cannot bargain to favor themselves. They do not know their respective identities. Nozick believes his Robinson Crusoes are fully justified in favoring themselves as long as this favoring adheres to the rules given in the state of nature.

It should be noted that Nozick's justification of inequality is based on the use individuals make of natural assets, not on their possessions. Thus he is not asserting that there should be a distribution on the basis, say, of I.Q.²⁴ If he were doing this, Nozick would be advocating a

rational egoism based on classificatory inequality. What Nozick is advocating is the fairness of allowing people with greater intelligence to use that intelligence to maximize their own interests. Therefore Nozick's rational egoism is of the relational variety. Individuals can justify what they have on the basis of what they have done to get it, not who they are. Inequality is written into the rules of the game. But it is inequality based on performance, not on who one is.

Rawls asserts the common ownership of natural assets.

No one deserves his greater natural capacities nor merits a more favorable starting place in society. . . .

The natural distribution is neither just nor unjust; nor is it unjust that persons are born into society at a particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts.²⁵

Nozick objects to this because he thinks that individuals are entitled to what they are given in the state of nature.²⁶ He believes that societies cannot justify taking from individuals what they have a right to in the state of nature. However as has been pointed out, by Nozick's own admission it is possible to argue that individual abilities represent a collective asset due to the ownership of children by parents and citizens by their societies (or whoever has nurtured them in their years of dependency).

As I understand Nozick's argument, fairness is largely a matter of playing by the rules whatever the outcome. The state of nature gives us those rules as rights and entitlements. The outcome may be grossly unequal. Nozick recognizes this and has expressed a certain embarrassment over it. He admits an initial preference for guaranteed egalitarian outcomes.

Despite the fact that it is only coercive routes toward these goals that are excluded, while voluntary ones remain, many persons will reject our conclusion instantly, knowing they don't want to believe anything so apparently callous toward the needs and suffering of others. I know that reaction; it was mine when I first began to consider such views. With reluctance, I found myself becoming convinced of (as they are now often called) libertarian views, due to various considerations and arguments.²⁷

In his assumption that fairness is playing by rules which permit maximization of self-interest, Nozick can only put his trust in some invisible hand to make the outcome of the game livable.

Rawls focuses on another meaning of fairness in his theory. A basketball game between a person and someone half his size would not be considered "fair" by most people even if it was played by the ordinary rules of basketball. A "fair" game would require the smaller person being given a substantial handicap. I think Rawls is correct that a function of moral understanding is goal-orientation. We can design the

rules of the game to make it approximate some desired goal. Where outcomes are always lopsided, we can introduce equalizing factors. Only when an acceptable set of rules has been designed does the sense of fairness Nozick concentrates on take over.

A basic disagreement between Nozick and Rawls is over who can write the rules. Nozick of course denies anybody can. They are simply given. This is one stance to take. But whatever rules are given, it is relatively easy to deny that Nozick has managed a good account of them. He assumes for instance that deception and fraud are not morally justifiable in exchanges. This is in accord with common beliefs. But on what grounds can Nozick sustain his claim? He cannot rule out fraud and deception because they give the swindler an advantage in dealing with others. Advantages are unfair only if they do not arise from what is given in the state of nature. What if my special ability given in the state of nature is the ability to deceive? Nozick can complain that much deception violates his right to truth. But then I can complain that his natural intelligence and good looks violate my right to attract a spouse. Why should I not be able to practice my art of deception and promise the lady in question some kind of eternal happiness if she will marry me? Nozick could only reply that there is no right to the practice of deception in the state of

nature. To this I could reply that his notion of the state of nature is the grandest deception of all.

The point I would want to make is that the rules by which we live are not simply set down. There are laws of nature by which we live and which we barely understand. To identify these laws with the rights presently recognized by a particular society or culture as Nozick seems to do is in my estimation mistaken. The sociologist E. O. Wilson has criticized Nozick for not recognizing the arbitrariness of the rules Nozick thinks are given in the state of nature.²⁸ Nozick begins with an assertion of rights individuals inalienably have. But he gives little in support of the notion that individuals exist as Robinson Crusoes in the state of nature. Someone such as Wilson can reasonably argue that the rules of behavior are not written at the level of individuals in the state of nature. They might well be written at the level of the gene.²⁹

Nozick's state of nature is a symbolic device which serves to avoid the question of what individuals are. E. O. Wilson effectively pursues this question by pointing out that the state of nature begins with rules written down in DNA. Individual organisms represent the combination of attributes or rules that have been found adaptive over time. Contrary to Nozick, it is not that somehow individuals have a right to

personal appearance while lacking the right to engage in deception. Personal appearance and deception are to be construed as alternative strategies competing in the state of nature for perpetuation. If I am successful in gaining the preferred sexual partner through deception (over Nozick's natural good looks), then future generations may be less likely to look upon personal appearance as an intrinsic right of individuals. They might instead assert their natural right to engage in deception. This assertion would likely not be verbal. If a rational egoist wanted to successfully engage in deception, it would likely be in his interest to talk about the importance of being honest.

Wilson and those sharing his neo-Darwinian approach³⁰ are currently having some success in shifting the discussion of what rules are given in the state of nature from the level of the individual organism to the gene. If Nozick is correct that we simply have to accept the rules given in the state of nature, then perhaps the discussion should shift. However it may be that Nozick and Wilson are both overestimating the givenness of the rules by which we operate. If Piaget is right, intelligent behavior does not merely operate by given rules. New rules can be constructed which fundamentally change the relationship between organism and environment.

Individuals are not simply packets-of-rights given in

the state of nature. Both Nozick and Wilson make the same mistake of assuming that the rules available to the individual operate only as constraints on action. Nozick does this in assuming a set number of rights are given in the state of nature and proceeding from there. Wilson does this by assuming that an individual's genetic heritage largely determines his behavior. But individuals are more than creatures operating within a fixed set of rules. Individuals are free to create goals of behavior which can provide additional rules for the governing of action. This is not to underestimate the importance of what is already given or the inadequacy of what is often desired as a goal. It is simply to point out that there is an element of indeterminacy in individual behavior. Individuals by organizing what is given and innovating can go beyond any formulated set of rules or rights in pursuit of the good. To conceive of rights or rules only as constraints is to deny the creative aspects of human moral behavior.

Nozick has offered his notion of moral concerns as constraints because of his fear of the effects of formulated goals on the freedom of human action. What he may not pay sufficient attention to is that part of human freedom is the freedom to pursue social goals. Nozick allows some of this in what he conceives of as his utopia.³¹ But it is an utopia where individuals must voluntarily forego present positions

of advantage. No social coercion is permitted. This in effect favors the coercion of individual natural advantage over the coercion of social goals.

Nozick and Rawls have visions of the just society. Both visions have their attractions and failings. It has not been my purpose to decide which is to be preferred. My purpose has been to show that alternative conceptions exist among mature individuals. Nozick and Rawls do not begin in the same place. Rawls starts with an attractive communal ideal, the equality of persons, and asks how we can best approximate it. Nozick starts with the notion that individual freedom is paramount and asks how we can best protect it. These different starting points make for very different conceptions as to what behaviors should be preferred. My suggestion is that although these conceptions are not always directly comparable point by point, they serve the same function of guiding human social behavior.

As we strip away the complexities and justifications, what is left are two basic alternative strategies. Nozick proceeds on the assumption that the individual can justifiably favor the self in all exchanges as long as the rules given in the state of nature are obeyed. This leads to inequality, albeit an acceptable and perhaps harmonious inequality. Rawls prefers to aim at the maximum equality possible. He denies

the acceptability of inequality that an individual would not find agreeable looked at from behind a veil of ignorance. This leads to limits on human freedom in the pursuit of personal welfare, but it is justifiable by reference to the goal of equality. Neither Nozick nor Rawls denies the desirability of maximum freedom and equality for all. But when conflict arises and a choice needs to be made, Nozick chooses the freedom of pursuing self-interest over Rawls' choice of equality as the dominant moral concern.

This choice of fundamental moral strategies is available not only to philosophers of repute, but to all who rationally plan their behavior. Rationally egoistic moral behavior is not necessarily unequilibrated. Whether it is depends on what conditions actually hold in the environment. Given the epistemological difficulty of knowing whether rational egoism or justice as fairness represents a more equilibrated form of judgment, it would not be surprising to find mature individuals utilizing either. What remains to be investigated is how rationally egoistic moral behavior develops in populations.* The tendency has been to identify rational egoism

* A rational egoism dilemma might be similar to the following: Mike wants to be a doctor. He has been attending his classes faithfully all term, taking notes, and studying hard so that he can earn the grades to get into medical school. His classmate Ali from Somalia also wants to be a . . . /

with egocentrism. But this simply is not adequate. Individuals such as Robert Nozick are fully aware of how other individuals view the world. This does not deter them from claiming that it is right to pursue self-interest. In their view, true respect for others can be achieved only by allowing them to use their own endowments to their best advantage even if this results in inequality.

c. Homo Hierarchicus

The three moral strategies examined so far have been considered in their familiar Western versions. Now I wish very briefly to consider a moral strategy embedded in a relatively unfamiliar world-view. I say "relatively unfamiliar" because although most have a nominal acquaintance with caste society in India, this acquaintance is likely to have been formed with attached Western explanations of its nature. These

* (cont'd) . . . doctor. But he has not always come to class. As the time for the big exam at the end of the term approaches, Ali comes to Mike and asks to copy his notes. He explains to Mike that he has not always been able to attend class because he has had to study his English. Mike realizes that the exam is to be graded on the curve. Any improvement in Ali's grade will make his grade worse and hurt his chances for admission to medical school. Should Mike share his notes with Ali? Why or why not?

Here Mike's right to his natural advantage of knowing English is in conflict with giving everybody an equal chance to perform well on the exam.

explanations can easily interfere with an adequate understanding of caste society.

The term "explain" comes from the Latin root (explanare) meaning "to flatten out." This expresses well what often occurs in explanation. When a phenomenon is explained, it frequently happens that some of the contours are lost as the attempt is made to separate what is key to understanding the phenomenon from what is not. Explanation differs from description in that it simplifies and reduces the complexity of the surface phenomenon and assimilates it to an underlying structure. It is the underlying structure that is sought.

A good example of what happens in explanation is my preceding discussion of Nozick's moral philosophy. I have suggested in my explanatory scheme that moral approaches to social relations can be usefully considered according to their underlying assumptions of equality and inequality. I have tried to show that the worth of the stance taken as to how others ought to be treated in cases of moral conflict may depend on the environmental conditions holding. Justice as fairness with its assumption of the priority of equal treatment may fail to produce an equilibrium situation because of the need to continually interfere with freedom of choice. If Nozick is correct, a goal-oriented morality such as justice as fairness with all its attractions should be rejected in favor

of the harmony or equilibrium achievable through the interaction of private interests.

I have interpreted Nozick's moral philosophy as one of rational egoism where the self is to be favored in exchanges. This interpretation is intended as explanation insofar as it may be the case that there are certain set options in natural logic which alternative moralities follow. If my explanatory scheme has any worth, it will be found that the underlying dynamics of moral thinking depend on the fundamental assumptions of classificatory and relational equality/inequality. Moralities in agreement on these assumptions, whatever their surface differences, should be found to serve equivalent functions in the organization of the relationship between an individual and his environment.

My explanation of Nozick's morality, whatever its worth, needs always to be distinguished from his formulation. Nozick does not say anywhere directly, however close he may come, that individuals ought to favor themselves over others in situations of moral conflict. This is my language of explanation. What Nozick says is that individuals who adhere to the rules of exchange given in the state of nature cannot be rightfully deprived of their possessions. This is very different for several reasons. First of all, it avoids invoking naked self-interest as a communal ideal. Even if

Nozick's and my formulations agree on the basic strategy of social exchange (e.g. you are entitled to get the best price you can for what you sell in the free market), only Nozick's formulation is likely not to offend the sensitivities of most who would adopt the strategy. Secondly, it shifts the discussion to an issue where Nozick's case is strongest. Most would agree that minimal interference with human freedom is a worthy goal. Invocation of selfish interest can be much more easily tolerated when it is coupled with the goal of human freedom and the guarantees of an invisible hand working for harmony.

Explanation seeks to get at what is fundamental. But in doing so, it shifts the discussion from the fulness of the formulation under consideration to what it sees as central. Such a shift is fully justifiable as long as it is understood that the explanation cannot replace the phenomenon. Nozick's moral understanding is considerably more attractive in his presentation than in my explanation. This is not simply because he is a better writer and more able than I. It is because his focus is on what I consider peripheral to the strategy and embedded in mythology. Although Nozick's state of nature is no more mythological than Rawls' veil of ignorance or Christian eschatological guarantees of agapē's worth, the moral strategy involved is justified by the mythology. Take away this mythological component and little is left to promote

the moral strategy. Moral strategies are responses to specific environments. But particularly on the conscious, verbal level they are responses to our understandings of the environment. One reason that real moral alternatives exist for mature people is that there is as yet no single, incorrigibly true understanding of the nature of our universe.

The difference between explanation and description is particularly important when the phenomenon under consideration is culturally distant. Western understandings of caste society have often concentrated on features such as political power and economic superiority. The attached Hindu mythology has occasionally been interpreted as nothing more than "rationalization" of entrenched political and economic power. But to understand Hindu society in these terms is to mistake attempts at explanation for the phenomenon. The mythological attractions of a phenomenon are not necessarily carried over into its explanation. They tend to get shunted to the side. Yet it is on their account that the strategy gets adopted. As we have seen, Nozick claims to have been forced to his position by his reflections on moral concerns and the state of nature, not because he prefers inequality. Equally Kohlberg can reject sainthood as a moral necessity because he believes that justice as fairness is guaranteed by social progress. Nozick and Kohlberg justify their recommended moralities in terms of

accompanying world-views. As far as I can see, there is no alternative to this. But when we approach a different world-view from our own, special caution is needed in its assessment. What is seen from the outside as an obvious deception and rationalization of interest, does not have the same appearance when viewed from within. One person's rationalization is another person's truth.

I want now to undertake an examination of the moral strategy implicit in caste relations. It should be emphasized that this does not constitute an examination of Indian society any more than looking at Nozick, Rawls, Kohlberg, and Christian love constitutes an examination of Euroamerican society. Examining the basic moral strategies available in a society is quite far from evaluating their importance in particular social relations. What I wish to do is simply consider how it is that classificatory inequality can be the conceptual basis for the organization of social relations.

Relational moralities have been characterized according to how the self and others are regarded in exchanges. The unspoken assumption has been that all have an equal right to engage in these exchanges. This is not true of classificatory moralities. Exchanges are not governed simply by whatever assumption is made about whether the self or others ought to be favored. Exchanges are governed by the identity of the

people involved. This may happen in different ways. Sometimes certain exchanges are ruled out by the classificatory identities. Other exchanges may be guaranteed. The particulars vary. What is constant is that exchanges are organized on the basis of relatively unalterable characteristics such as birth and color. Merit is more a given characteristic than earned. Persons do not attain their positions so much according to what they have done as according to their identities. In relational moralities titles and status follow performance. In classificatory moralities they precede it.

Given popular understanding, perhaps the best place to begin is to emphasize that high status within the caste system does not always correlate directly with political or economic superiority. In one village, those of the highest caste (the Brahmins) may be politically and economically dominant. But in another they may be neither.³² This is neither new nor a rare exception to a general rule. Explanations that play down the importance of the conceptual element in social organization by making it reflective of basic political or productive relations founder on this lack of correlation.³³ Caste is simply one dimension among several which give rise to inequality in social relations. Although it would be surprising if the dimensions of inequality did not correlate at all or inversely (e.g. if Brahmins were the economically poorest and

politically weakest members of society), still each dimension needs to be considered as having its own dynamics.

"Caste" comes from the Portuguese or Spanish word casta meaning something not mixed or pure.³⁴ Casta is derived from the same Latin root as the English word "chaste." With its root meaning of purity, the term "caste" could serve this discussion quite adequately. To understand caste society is to comprehend the concept of purity as a central organizer of moral thinking.³⁵ Everything is judged according to its relative purity or impurity. To maintain purity, the impure must be kept separate so as to avoid contamination. Caste society in India accomplishes this by prescribing in minute detail how people can relate and in what activities they can engage. A primary moral motive is to avoid pollution through interaction with impure people or by participation in impure activities.

Unfortunately the cost of using the term "caste" is to risk confusion. The European term translates two Indian words. They are varna and jāti. Varna means literally "color."³⁶ According to classical tradition, there are four varnas. They are in order of purity: the Brahmins or priests, the Kshatriyas or warriors, the Vaishyas or merchants, and the Shudras or farmers. At the bottom of the scale, or more properly not really on it, are the Untouchables. These five castes are what spring to mind for many people when there is a discussion

of Indian caste society. Without care, this can easily obscure discussion. The varnas are not the functional units of purity in caste society. Within these four or five major groups are literally thousands of castes. For this reason scholars have resisted translating varna as "caste." Instead they have either left it untranslated or used such terms as "class" or "estate."³⁸ My preference is to leave the word untranslated as the varnas are neither exactly classes nor estates.

Jāti is the term that can be more exactly translated as "caste." It is the functional unit of purity in caste society. Nobody is simply a Brahmin, Kshatriya, Vaishya, or Shudra in India. One is a particular type. For instance in one region where Brahmins are plentiful, an initial division is according to whether they are Smarta or Shri Vaishnava Brahmins. "The Smarta Brahmins in their turn are similarly subdivided into Vadama, Brihacharanam, Astasahashram, and Vattiman. The Vadama are subdivided into Vadadesha Vadama and Chozhdesha Vadama."³⁹ This multiplication of subdivisions has no exact limits in theory or practice. The degree of segmentation within any varna depends on the number of representatives of that varna within any given region and the degree to which they have competing interests.

The importance of distinguishing correctly between varna and jāti in this consideration lies in the image of

Indian society as a rigid, hierarchical society where social mobility is non-existent. From birth you are a Brahmin or whatever; and your social position is forever fixed. There is a certain truth in this image. But it also can be misleading. The four varnas are simply the ideational backdrop to a very different type of social competition from that normally experienced in the West. There has been considerable social mobility in Indian society through the centuries. It has simply been group-oriented and taken place at the level of the jāti.

As A. L. Basham comments:

. . . the term "caste" was applied indiscriminately to both varna or class, and jāti or caste proper. This is a false terminology; castes rise and fall in the social scale, and old castes die out and new ones are formed, but the four great classes are stable.⁴⁰

Competition within caste society is of a very different form from that occurring today in Euroamerican industrialized states. In Euroamerican industrialized society, emphasis is placed on individual effort and advancement. Nozick's view that individuals are entitled to the rewards of their labors free from societal interference is a direct expression of this. In caste society, social mobility occurs mainly by enhancing the status of one's group or jāti. A person favors himself by getting his jāti to adopt the characteristics of groups higher on the scale of caste society. In this way his jāti rises on the social scale.

The word jāti is derived from the Sanskrit jan meaning "to give birth to."⁴¹ A person is above all born to his caste. He does not start off as an equal even when such characteristics as ability, appearance, and wealth are excluded from consideration. A person is first of all a member of his group, not an individual. As a member of a group, every individual is born with an indeterminate number of identifying marks indicating his status. Ordinarily these include occupation, dress, eating habits, geographical residence, and so on. However there is no set list. The local situation usually determines what the operative distinctions are that give each jāti a particular place on the social scale.

Caste distinctiveness and mobility can be made concrete by reference to the example of the Chamars (also spelled Camar) of North India. By occupation the Chamars have traditionally been the leatherworkers, removers of dead animals, and midwives.⁴² Such occupations are considered highly polluting and are accorded very low status. Consequently the Chamars have been considered low-caste and untouchable. In one village studied, they occupy mostly houses of unbaked mud brick clustered on the village outskirts.⁴³ They use separate wells, are not allowed to sit on a cot (charpoy) with Brahmins or Jats, dine and smoke apart from those of higher castes, and generally stand off to one side in community gatherings.⁴⁴

The Chamar's low status is self-reinforcing. Impure because of the work they do, they encounter difficulty in abandoning this work because it needs to be done and by tradition is for them to do.

Within the past fifty or sixty years, the status of the Chamar has not remained the same. The rise of large-scale industry reduced the role of the village leatherworker. This coupled with a considerable population rise has required many Chamars to engage in other work.⁴⁵ As the bonds of traditional economic relationships have loosened, the Chamars as a jāti have undertaken to raise their status by giving up practices considered impure and adopting those considered pure. For instance, they stopped eating beef and carting manure.⁴⁶ At the same time they attempted with less success to stop the handling of dead animals and the making of dung cakes for fuel for other castes.⁴⁷ Positively they began to participate in religious activities similar to those followed by higher castes.⁴⁸ Most interestingly they began spreading origin myths claiming that they were originally Brahmins or Rajputs who had become Untouchables through accidental responsibility for the death of a cow.⁴⁹ By actively asserting claims to a higher status along with abandonment of polluting activities, the Chamars have had some success in being upwardly mobile.

The upward mobility of the Chamar jāti is representative

of a process termed "Sanskritization" by M. N. Srinivas. As Srinivas explains:

The caste system is far from a rigid system in which the position of each component caste is fixed for all time. Movement has always been possible, and especially so in the middle regions of the hierarchy. A low caste was able, in a generation or two, to rise to a higher position in the hierarchy by adopting vegetarianism and teetotalism, and by Sanskritizing its ritual and pantheon. In short, it took over, as far as possible, the customs, rites, and beliefs of the Brahmins, and the adoption of a Brahminic way of life by a low caste seems to have been frequent, though theoretically forbidden. This process has been called 'Sanskritization' . . .⁵⁰

"Sanskritization" is the adoption of high-status, Sanskritic attributes by those lower on the scale. In addition to Sanskritization are such processes as "Westernization" where different characteristics are viewed as worthy of adoption in the pursuit of upward social mobility.⁵¹

Social mobility is not the dominant feature of caste society. However if we are to understand its buttressing morality, it is necessary to recognize how competition occurs within it. In caste society, all individuals are born into a group with an indeterminate number of characteristics placing the group somewhere on the social scale. At a particular time on a macroscopic scale (e.g. in terms of the varnas), it is possible to say what status a certain group has in relation to society. It is much more difficult to say that a certain

group has a definite status when considered historically or examined closely. Castes close together in status often have conflicting claims about which is to be ranked more highly.

As André Beteille explains:

. . . although hierarchy is an important feature of the caste system, we must not assume that wherever there is segmentation we can rank the segments as higher or lower. There are conflicting claims to superior rank, and often it is impossible to speak of a consensus. It frequently happens that two castes put forward rival claims to superiority with regard to which members of other castes may be indifferent or may not regard themselves as competent to decide either way.

Particularly in the middle of the spectrum, the exact status hierarchy is difficult to determine and subject to change with shifting political and economic fortunes. This does not mean that status is simply a reflection of political or productive relations. What it means is that these factors influence general community acceptance of whatever claims may be set forth on behalf of the jāti. A low-status group with increasing economic or political power is more likely to have its belated myth of high-caste origin accepted or its adoption of high-status characteristics recognized. Even then castes in close competition or with a past history of domination are likely to dispute the new status claim. This extends to the use of violence in the settling of claims.

Indian caste society is a segmentary system. The group or classificatory unit belonged to determines the nature of the social interaction. At the most general level, one is a Brahmin, Kshatriya, Vaishya, Shudra, or Harijan (Untouchable). This identity coupled with the identity of the other party forms the basis for social contacts. When this is not enough, smaller classificatory units determine the social interaction.

There are several levels of differentiation; large units are divided into smaller ones and these further subdivided on the basis of cleavages which are fairly enduring in character. The divisions and subdivisions either merge with one another or are placed in opposition, depending upon context and situation. Although in a given context a unit of a lower order may lose its identity through merger with an adjacent unit, it tends to re-appear as an independent entity in a different context. Thus the system as a whole retains a degree of continuity over time.⁵⁴

The segmentary nature of the caste system is why I consider it to be essentially a classificatory morality. Before the question arises about who is to be favored in exchanges, the identity of who is involved must be established. To a large extent, social interaction is governed by a host of specific rules based on identity. A Brahmin in theory is never to engage in the work of a Kshatriya, Vaishya or Shudra. His task is the learning of the Veda and the performance of all the religious duties contained therein. Equally the other

varnas are to follow their own prescribed duties (dharma). In this way, the order of the universe is upheld.

Dharma is the foundation of the whole universe. In this world people go unto a person who is best versed in dharma for guidance. By means of dharma one drives away evil. Upon dharma everything is founded. Therefore dharma is called the highest good.⁵⁵

Segmentation or classificatory differentiation is a prime feature of the caste system. However it appears to be more an incidental (though important) feature of moral understanding than an organizing principle. Classificatory moralities occur wherever group identity takes precedence over individual identity. As with relational moralities, there are three types. The self can be favored in exchanges, treated equally, or subordinated to others. With classificatory moralities, the only difference is that the self's group is the unit of focus, not the individual.* What determines the

* Quite often it is assumed that to differentiate between groups is automatically to assert the superiority of one's own. In practice this may often be the case. But it is not automatically so. "Separate but equal" doctrines were found to be covers for abusive racial practices in the 1954 U.S. Supreme Court decision outlawing school segregation. A similar situation may hold in contemporary India where separate wells are drilled for Untouchables as part of an attempt to raise their status (rather than integrate the existing wells).⁵⁶ Such practices may militate against the real achievement of equal treatment. But it is not the case that classificatory moralities are necessarily hierarchical with one group favored over another. For instance, if it . . . /

nature of moral behavior in the Indian caste system more than its group-orientation is the pursuit of purity.

Purity is a concept almost devoid of specific content. It ranks close to the concept of the good in being a concept different persons are able to give highly variant meanings. The concept of purity has perhaps only one intrinsic characteristic of fundamental importance for our consideration. The concept of purity is almost necessarily hierarchical. The pure is contrasted with the impure. Purity is to be sought and impurity avoided. In order that this can be done, there is a need to classify the world according to degree of purity. Impure activities and people are to be avoided if purity is to be achieved and maintained. With each higher degree of purity attained, it becomes ever more important to be cautious about the dangers of pollution.

Purity has no necessary connection to classificatory moralities. It is possible to pursue purity by relating to

* (cont'd) . . . happened that dolphins were eventually accorded the status of person, it is possible that "separate but equal" treatment could be sustained given the limited amount of overlap in competition for scarce resources between dolphins and humans. Dolphins and human beings are sufficiently dissimilar that no one would likely complain that it was unfair to not be allowed to lead the life of a dolphin (human being).

others on the basis of their willingness to also seek purity (e.g. in voluntary ascetic societies). With Indian caste society the concept of purity has been coupled with a classificatory morality. This has given rise to a hierarchical system where moral action is guided to a large degree by one's given place on the scale of purity. Persons in their ordinary identities are not assumed to be equal. They are assumed to be inherently unequal. This has led one anthropologist to suggest that it is ethnocentric for those of Western democracies to think that human beings are to be viewed only as inherently equal or Homo aequalis. Louis Dumont suggests that it is equally justifiable to take the view of Indian caste society and view human beings as inherently unequal or Homo hierarchicus.⁵⁷

It is not my intention to follow Dumont's argument in any detail here. I think Piaget's analysis of reversibility allows us to distinguish between types of inequality or hierarchy and achieve a more subtle discrimination. If it is granted that the participant in Indian caste society views human beings as inherently unequal or Homo hierarchicus, there is still the question of who is to be favored. The case I want to make is that (with due apologies for over-simplification) the individual is advised to favor his own interests within the constraints of the caste system. In other words, the moral strategy is rational egoism. The special feature

of Indian caste society is that he can do this best by favoring his particular group. Classificatory rational egoism is the operative moral strategy. This strategy is made attractive as a communal ideal by a mythology which again has a guarantee of social harmony or equilibrium attached if each person will only pursue his own interests properly.

Pursuit of self-interest should not be confused with any anarchic attempt to monopolize all wealth, power, position, etc. Real self-interest is not identified with anything so crude. As with Nozick's form of rational egoism, within certain strictures persons are allowed to seek aggrandizement. This seeking has two dimensions. One requires some imagination on the part of those who would identify self-interest solely with control over resources. The other is more readily identifiable in terms of this characteristic.

The dimension that may require some imagination on the part of the Western reader is that a person's real self-interest is served by achieving liberation from the phenomenal world.*

* An example of the cultural distance involved is the response given by Indians to Kohlberg's Heinz dilemma.⁵⁸ When asked if it was proper to steal to save one's own life, often the response was negative. This was true even of those who would steal to save another's life. The reason is that stealing to save one's present life operates against one's deeper self-interest in future lives. The enduring soul is stained with sin by theft.

The phenomenal world is impure, polluting, and chaotic. A person who wishes to seek his enduring self (ātman) must leave his ordinary self behind. In one formulation, purity is attained by restraint and rewarded by identification with the Supreme.

Let a man be integrated by his soul (now) cleansed, let him restrain (him)self with constancy, abandon objects of sense--sound and all the rest,--passion and hate let him cast out; let him live apart, eat lightly, restrain speech, body, and dispassion; let him give up all thought of 'I', force, pride, desire and anger and possessiveness, let him not think of anything as 'mine', at peace;-- (if he does this,) to becoming Brahman (the Supreme) is he conformed.⁵⁹

A person favors his real interests by recognizing that what appears initially most attractive and beneficial is not really so.*

More readily understandable for the Western reader is that a person is allowed and in fact enjoined to maximize the values inherent in his caste position.

* This is a mature, cognitively-complex view of self-interest. A benefit of differentiating properly between egocentric and egoistic concern with self is that such behaviors as resistance to temptation can be seen to have a developmental aspect. Egocentric egoism allows indulgence in the most immediate pleasure now with disregard for future consequences. Mature egoism requires the setting aside of immediate pleasures when they interfere with a larger self-interest.

Better (to do) one's own (caste-) duty, though devoid of merit, than (to do) another's, however well-performed. By doing the work prescribed by his own nature a man meets with no defilement. Never should a man give up the work to which he is born, defective though it be: for every enterprise is choked by defects, as fire by smoke.⁶⁰

This has the effect of permitting those with the more advantageous caste-positions to justify their allotments and work for more without invoking naked self-interest as a communal ideal. A person is not to work for wealth, power, and so on as much as he is to accept their pursuit as part of his caste duty.

The man who sees worklessness in work (itself), and work in worklessness, is wise among his fellows, integrated, performing every work. When all a man's enterprises are free from desire (for fruit) and motive, his works burnt up in wisdom's fire, then wise men call him learned. When he has cast off (all) attachments to the fruits of works, ever content, on none dependent, though he embarks on work (himself), in fact he does no work at all.⁶¹

It goes almost without saying that it is considered the work or duty of Brahmins to "receive gifts" and the work or duty of Shudras to "serve without malice the three other varnas."⁶²

The inequality written into the hierarchical institution of caste is a much-noticed and commented-on phenomenon. Although there is a gap between the notion of varnas as represented in the sacred texts and the actual functioning of caste

society, it does not misrepresent the situation to say religious understanding justifies and reinforces social inequality. The question remains as to why this understanding has been even minimally acceptable to those not in a position to profit from it.* Why should the struggle be to raise one's jāti to a higher status within the system rather than to reject the system outright? Why should a person accept a low status in this life (and in the Western view, his only life) in hopes of returning at a higher status in the next? The answer again lies in a notion of equilibrium.

In the Hindu view, the caste system has the unity of a body. Each part has a purpose and function required for the sustaining of all. The Brahmin is like the mouth, the Kshatriya (warrior) like the arms, the Vaishya (merchant) like the thighs, and the Shudra (farmer) like the feet.⁶³ Just as a body cannot properly function when a part is missing or misplaced, society cannot function without its different parts in their proper places. This does not mean any part should be

* "Minimally acceptable" is a key phrase here. Throughout Indian history there have been movements which rejected caste distinction. This ranges from the śramanic movements such as Buddhism to the bhakti movements of more recent history. In all cases these movements have had only marginal success in altering the fabric of Indian caste society.

oppressed. Shudras should be respected for what they are, laborers and servants. When this harmonic complementarity is disturbed, chaos is thought to reign to the detriment of all. One vision of what happens is that cited by the heroic figure Arjuna when his caste-duty as a warrior is in conflict with his family duty.

Once law is destroyed, then lawlessness overwhelms all (that is known as) family. With lawlessness triumphant, Krishna, the family's women are debauched; once the women are debauched, there will be a mixing of caste. The mixing of caste leads to hell--(the hell prepared) for those who wreck the family and for the family (so wrecked). So too their ancestors fall down (to hell), cheated of their offerings of food and drink. These evil ways of men who wreck the family, (these evil ways) that cause the mixing of caste, (these evil ways) bring caste-law to naught and the eternal family laws. A sure abode in hell there is for men who bring to naught the family laws . . .⁶⁴

Debauchery, decline in family fortunes, and hell is envisioned as accompanying the mixing of caste.

Fortunately there is a guarantor of the caste system. Whenever people cease to do their caste duties (dharmā), God (Vishnu) appears on earth to restore the system.

For whenever the law of righteousness (dharmā) withers away and lawlessness arises, then do I generate Myself (on earth). For the protection of the good, for the destruction of evildoers, for the setting up of the law of righteousness (dharmā) I come into being age after age.⁶⁵

Just as Kohlberg guarantees the relevance of justice as fairness by faith in progress, so the relevance of upholding caste duty (varna-āshrama-dharma) receives a divine guarantee.

d. Alternative Moralities and the Moral

It may seem unusual to equate the equilibrium notions of justice as fairness and purity maintained through caste society. In justice as fairness, the equilibrium created is an ideal equilibrium which assumes the interchangeability of the parts. A person is to assume all positions and make sure that occupying any position is acceptable to him. In caste society there is not considered to be an interchangeability of parts. Each person is born with a particular nature. If a person wishes to go beyond this nature, he can do it best by adhering to caste duties until the next birth. The individual is not asked to imaginatively create a social order based on what he finds morally desirable. He is told what the equilibrated order is. His task is to come to understand and accept it.

Kohlberg has occasionally suggested that appeal to divine law is to be identified with Stage 4 thinking.⁶⁶ This is because such moral conceptions do not seem to allow the individual the legislative autonomy Kohlberg identifies with mature moral thinking. But this simply will not do. Appeal

to divine law is no more intrinsically Stage 4 than appeal to a law of social progress is as a justification for justice-as-fairness conceptions. Both are assessments of the environment in which the individual finds himself. Such assessments can be connected to a variety of developmental stages.

The next task is to explain how this is so. Researchers influenced by Kohlberg frequently accept his identification of justice as fairness and the moral.⁶⁷ I have tried to show the inappropriateness of this identification over the past two chapters. The moral domain appears to contain a number of competing moral languages which differ as to fundamental premises. Responsible love favors the interests of others over those of the self in moral conflict. Justice as fairness requires equal treatment. Rational egoism dictates that a person assert and favor his own interests. Each moral principle is believed to meet and satisfy an equilibrium condition by its adherents. Responsible love is considered to compensate for selfishness and injustice in a sinful world. Justice as fairness is thought to generate its own equilibrium condition by internally balancing rights and duties. Rational egoism is believed to produce an equilibrium condition by allowing persons in the best place to know their own real interests to be guardians over them. This apparent multiplicity of principles well-represented in the world places in doubt the appropriateness of Kohlberg's

identification of justice as fairness and the moral.

What is needed is an identification of the factor which generates the developmental sequence in justice as fairness. In my view, Kohlberg has confounded the difference between maturity and correctness. According to Kohlberg, those individuals who have achieved the highest level of moral maturity when presented with a common set of facts will agree on the solution. As Kohlberg expresses it: "Because Stage 6 judgments are reversible, all Stage 6 subjects agree, given common understanding of the facts of the case."⁶⁸ This claim is entirely in accord with Kohlberg's formalism and intuitionism. If Stage 6's principle of justice as fairness is the ideal form of the good, given a common understanding of the facts, Stage 6 thinkers could not do other than agree.

I think that it is important to distinguish between maturity and correctness. The term "maturity" means fully developed. But being fully developed does not mean that a moral conception is equilibrated. Justice as fairness may not be equilibrated if from it follows jealousy and selfishness as responsible love charges or totalitarian controls as state-of-nature rational egoism charges. It is equilibrated and therefore correct only if mature justice-as-fairness conceptions provide for a stable relationship with the environment.

The factor I suspect is responsible for qualitative

differences between moral stages is the development of perspective. Mature understanding of the world requires that the individual be able to understand the various points of view. Beyond this understanding is the question of what constitutes the best course of action. In the next chapter, I shall try to define the moral so as to properly distinguish between maturity and correctness.

ENDNOTES

- ¹ Robert Nozick, Anarchy, State, and Utopia (New York: Basic Books, Inc., 1974), p. ix.
- ² Ibid., p. 10.
- ³ Ibid., p. 12.
- ⁴ Ibid., pp. 26-27.
- ⁵ Ibid., p. 18.
- ⁶ Lawrence Kohlberg, "The Future of Liberalism as the Dominant Ideology of the West," in Essays in the Philosophy of Moral Development (Cambridge: By the Author, 1978), p. 59.
- ⁷ Nozick, Anarchy, State, and Utopia, pp. 28-29.
- ⁸ Ibid., p. 31.
- ⁹ Lawrence Kohlberg and Donald Elfenbein, "The Development of Moral Judgments Concerning Capital Punishment," American Journal of Orthopsychiatry 45 (4), July, 1975, pp. 614-40; and "Moral Judgments About Capital Punishment: A Developmental-Psychological View," in Essays in the Philosophy of Moral Development (Cambridge: By the Author, 1978), pp. 177-222.
- ¹⁰ Kohlberg and Elfenbein, "Moral Judgments About Capital Punishment," p. 216. There is an equivalent statement in their "The Development of Moral Judgments Concerning Capital Punishment," p. 636.
- ¹¹ Ibid.
- ¹² Nozick, Anarchy, State, and Utopia, pp. 154-55.
- ¹³ Ibid., p. 151.
- ¹⁴ Ibid., p. 163.
- ¹⁵ Ibid., p. 198.
- ¹⁶ Ibid., pp. 155-64.

- 17 Lawrence Kohlberg, "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development," in Cognitive Development and Epistemology, ed. by T. Mischel (New York: Academic Press, 1971), p. 232.
- 18 Nozick, Anarchy, State, and Utopia, p. ix.
- 19 Ibid., p. 152.
- 20 Ibid., p. 237.
- 21 Ibid., "Demoktesis," Chapter 9.
- 22 Ibid., p. 290.
- 23 Ibid., p. 185.
- 24 Ibid., p. 156.
- 25 John Rawls, A Theory of Justice (Cambridge: The Belknap Press, 1971), p. 102.
- 26 Nozick, Anarchy, State, and Utopia, pp. 228-31.
- 27 Ibid., p. ix.
- 28 Edward O. Wilson, On Human Nature (Cambridge: Harvard University Press, 1978), p. 5.
- 29 Edward O. Wilson, Sociobiology: The New Synthesis (Cambridge: The Belknap Press, 1975), Chapter 1.
- 30 e.g. Richard Dawkins, The Selfish Gene (New York: Oxford University Press, 1976).
- 31 Nozick, Anarchy, State, and Utopia, Part III.
- 32 Oscar Lewis, Village Life in Northern India: Studies in a Delhi Village (New York: Random House, 1958), p. 60.
- 33 André Beteille, Castes: Old and New - Essays in Social Structure and Social Stratification (Bombay: Asia Publishing House, 1969), Chapter 2.
- 34 Louis Dumont, Homo Hierarchicus: The Caste System and its Implications (London: Granada Publishing Ltd., 1972), p. 57.

- 35 Ibid., p. 81.
- 36 A. L. Basham, The Wonder That Was India: A Survey of the Culture of the Indian Sub-Continent Before the Coming of the Muslims (New York: Grove Press, Inc., 1954), p. 35.
- 37 Ibid.
- 38 Dumont, Homo Hierarchicus, p. 112.
- 39 Bêteille, Castes: Old and New, p. 159.
- 40 Basham, The Wonder That Was India, p. 148.
- 41 Bêteille, Castes: Old and New, p. 45 n.
- 42 Bernard S. Cohn, India: The Social Anthropology of a Civilization (Englewood Cliffs: Prentice-Hall, 1971), p. 127.
- 43 Lewis, Village Life in North India, p. 19.
- 44 Ibid., p. 314.
- 45 Ibid., pp. 71-77.
- 46 Cohn, India: The Social Anthropology, p. 135.
- 47 Ibid.
- 48 Ibid., p. 136.
- 49 Ibid., p. 135.
- 50 M. N. Srinivas, Religion and Society Among the Coorgs of South India (London: Oxford University Press, 1952), p. 30.
- 51 Dumont, Homo Hierarchicus, p. 238.
- 52 André Bêteille, "Caste in a South Indian Village," in Social Inequality: Selected Readings, ed. by André Bêteille (New York: Penguin Books, 1969), p. 291.
- 53 Cohn, India: The Social Anthropology, pp. 136-37.
- 54 Bêteille, Castes: Old and New, p. 157.

- 55 Taittirīya Āraṇyaka 10.79, in Sources of Indian Tradition, Vol. I, ed. by Wm. T. de Bary (New York: Columbia University Press, 1958), pp. 215-16.
- 56 Dumont, Homo Hierarchicus, p. 351 n. 64d.
- 57 Ibid.
- 58 Bindu S. Parikh, Moral Judgment Development and Its Relation to Family Environmental Factors in Indian and American Urban Upper Middle Class Families (Unpublished Doctoral Dissertation, Boston University, 1975), p. 173.
- 59 The Bhagavad-Gītā, trans. by R. C. Zaehner (New York: Oxford University Press, 1969), p. 107.
- 60 Ibid., pp. 106-07.
- 61 Ibid., p. 59.
- 62 The Laws of Manu, trans by Georg Böhler (New York: Dover Publications, inc., 1969), p. 24.
- 63 Ibid., p. 15.
- 64 The Bhagavad-Gītā, p. 47.
- 65 Ibid., p. 184.
- 66 Lawrence Kohlberg, "Moral Stages and Moralization: The Cognitive-Developmental Approach," in Moral Development and Behavior: Theory, Research, and Social Issues, ed. by T. Lickona (New York: Holt, Rinehart and Winston, 1976), p. 37.
- 67 e.g. Elliot Turiel, "Social Regulations and Domains of Social Concepts," New Directions for Child Development, 1, 1978, p. 45.
- 68 Lawrence Kohlberg, "The Claim to Moral Adequacy of a Highest Stage of Moral Judgment (rev.)," in Essays in the Philosophy of Moral Development (Cambridge: By the Author, 1978), p. 162.

CHAPTER VII

A DEFINITION OF THE MORAL

Jean Piaget began his study of morality with what I believe to be a profound definition of the subject. According to Piaget:

All morality consists in a system of rules, and the essence of all morality is to be sought in the respect which the individual acquires for rules.¹

To be a moral creature is to be rule-governed. If we wish to understand the moral through a study of moral development, we need to investigate the origin of rule-governed behavior.*

Piaget's definition of the moral as rule-governed behavior has had considerable influence on how moral development studies are conducted. Many rule-governed behaviors which

* Rule-governed behavior is not to be confused with regularities of behavior. Mere regularity of behavior does not establish it as rule-governed. In order to be rule-governed, the behavior must flow from a set of instructions interior to the individual. Thus an infant may consume food at the same time each day. But unless the infant has a say in determining the feeding schedule, this would not be rule-governed behavior.

Furthermore, some degree of intention must be involved if the behavior is to be considered rule-governed. Reflex behaviors border on being rule-governed. They are determined by a set of instructions interior to the individual. But to the degree that reflex behavior is automatic and not controlled by some central thought process, it is not to be considered rule-governed. To be rule-governed, a behavior must involve both internal instructions and intention.

exist only on the periphery of what is normally considered the moral domain have been studied. Piaget himself investigated moral development by probing the behavior of children at play in games.² Other investigators have judged moral development according to the subject's degree of compliance with relatively unimportant rules in special situations. Thus a study of honesty was conducted by having children fire a ray gun at a target and report their own seemingly unmonitored scores (scores preprogrammed to be just below that needed to win a desired prize). One advantage of such approaches is that investigators are not placed in the morally dubious position of allowing or encouraging highly immoral behavior in order to study it. The stakes are kept low. A possible disadvantage is that what is studied may not be representative of the moral domain.

Elliot Turiel has recently strongly criticized such approaches to the study of the moral.⁴ He has found that children at very young ages can differentiate between conventional rules (e.g. game rules and school dress codes) and moral rules (e.g. rules against stealing).⁵ Conventional rules tend to be seen as situational. Thus dress not allowed at one school is considered acceptable at another which permits it. The same is not true of moral rules. For instance, stealing is considered wrong regardless of whether there is an explicit

rule against it. Violation of conventional rules is also regarded with less opprobrium than violation of moral rules.

Such empirical findings have led Turiel to suggest that past studies of the moral domain have been considerably weakened by identification of the conventional and the moral. His suggestion is to restrict the study of the moral to such rules as those against stealing and killing.

Turiel's distinction between the conventional and the moral is of considerable significance. Lawrence Kohlberg has grouped his moral stages into preconventional, conventional, and postconventional levels.⁶ Kohlberg believes that a person's moral development depends on his understanding and view of social conventions. If Turiel is correct in his belief that the conventional is a domain distinct from the moral, then Kohlberg's definition of the moral needs rethinking.

I believe that Kohlberg's definition of the moral is seriously inadequate. However I do not wish to follow Turiel in his distinction between the conventional and the moral.*

* Turiel has not taken into account the influence of culture on what is to be defined as belonging to the "conventional." Dress codes may be matters of convention for Euroamerican populations. They may be something more in Muslim nations such as Iran. Equally, killing may be regarded as a supreme "moral" issue by Turiel and Euroamerican populations. It may be something less in tribal societies such as the Yānomamo of Venezuela and Brazil who engage in almost . . . /

The "smaller" issues which Turiel assigns to the conventional domain are also moral matters in some sense. I suspect that Piaget's definition of the moral as rule-governed behavior is to be preferred over Turiel's listing of moral issues. But Turiel is correct in his finding that within what Piaget considers the moral domain are several relatively-independent conceptual areas. An adequate definition of the moral must take this into account.

I suspect Kohlberg's orientation to convention in his definition of the moral has misled him. Most importantly it has cause him to orient to later childhood and adolescence in his study of the moral.** During this period a chief developmental task is to come to terms with a set of rules given by society. Adaptive success or equilibrium in understanding requires that the individual regulate his behavior with regard

* (cont'd) continual warfare. What are to be considered the "larger" and "smaller" issues is partly a matter of cultural context. Turiel's conventional/moral distinction does not take this into account. Still it may be that some distinction on this order is generally operative throughout the world.

** Actually it may be the reverse. Kohlberg may have oriented to social convention in his definition of the moral because he has predominately studied individuals from ages ten to twenty-five.

for social convention. Of course this is true of adult behavior as well. But by the time the person is an adult, this developmental task is mostly completed. To focus on this task in a general definition of the moral is to misjudge its nature.

The real nature of the moral has to do with competent or equilibrated behavior in the world. The moral is, as Piaget says, "the logic of action."⁷ In infancy, the equilibrating process is centered on the development of logico-physical understanding. Caretaking relationships make up for social incompetency. In late childhood and adolescence (even into early adulthood), the focus is on understanding social conventions so as to achieve social competency. In adulthood, a prime question is which of the basic moral strategies represents equilibrated behavior.

In this chapter I want to redefine the moral while paying close attention to Piaget's work. In doing so I hope to suggest solutions for problems Kohlberg has encountered due to his orientation to convention. First I shall suggest that the moral begins in infancy with intentional behavior. Secondly, I shall suggest that moral is less a matter of understanding social convention than a matter of competent behavior in the world. One tool necessary for competent social behavior is the ability to take the perspectives of others. The development of perspective, I suspect, is the developmental

factor common to all natural moralities in the social domain.

The development of perspective has roughly three phases. First, viewpoints are regarded as absolute. There is little regard for context with the result that the rule or viewpoint currently attended to controls behavior. Then there is a regard for context with an attempt to coordinate between the different viewpoints. This is the relative phase. Unfortunately in this phase, the regard for context can be overwhelming so that the individual may lose sight of or give inadequate weight to the various points of view. Finally the individual succeeds in organizing the differing viewpoints so that he both understands all the different perspectives and can still maintain his judgment of what is good in the face of external pressure.

I suspect that these phases exist in at least two and perhaps in each of the great periods of development, the sensory-motor, the concrete operational, and the formal operational. These phases form a developmental rhythm which reoccurs as new structures of understanding are built. When this rhythm is recognized, it is my belief that major definitional problems plaguing moral development research will be resolved.

One problem which can be resolved is that of the status of Kohlberg's Stage 6. Stage 6 is essential to Kohlberg's moral development theory. Without it, Kohlberg cannot assert

that development leads to adequate moral understanding. It was noted in the fourth chapter that only Stage 6 did not involve the definist's fallacy. All of Kohlberg's arguments for the moral adequacy of a highest stage of moral development depend on Stage 6. Yet Stage 6 is not even included in his scoring manual because of its apparent rarity in populations.⁸ The manual stops with Stage 5.

I believe the difficulty can be resolved by a double recognition. One is that justice as fairness is only one principle among a number. In the past two chapters I noted the existence of other principles. Stage 6 may not be as rare as thought when the principles of rational egoism and responsible love are viewed as developmentally equivalent to justice as fairness. Many philosophers' opinions have been scored at Stage 5 or lower not, in my view, because of developmental inadequacies, but because justice as fairness is not the central organizing concept.

Secondly, the relativizing characteristics of Stage 5 thinking have been assigned partially to a so-called Stage 4½ and partially to Stage 5. Coupled with the wrongful assignment of Stage 6 opinions to Stage 5 or below because of disagreement with justice-as-fairness requirements, the result is an inadequate definition of the higher stages. Stages 5 and 6 should not be grouped as postconventional, principled stages. Rather

Stages 4, 5, and 6 should be considered a matter respectively of the absolutizing, relativizing, and idealizing of perspective on the formal operational level.

Stage 6 is as important to Kohlberg's lower stages as is the Klein four-group to the logical groupings Piaget has studied empirically. It is the form of reasoning which integrates the lower constituents of logical thinking. It is the form which can meet the highest tests of rational adequacy. Without it the lower stages are not tied to the central organizing concept of justice as fairness or any other concept.

New attention to the higher judgment stages is needed. Otherwise moral development research risks misevaluation of the moral and disintegration into a wealth of empirical detail as more data are gathered. If moral development research is to have impact, the centrifugal forces of contextualism and empirical research must be balanced by the centripetal forces of structuralism and ethical theory. Ethical theory helps to say why some features of moral judgment are central and others peripheral. The power of Kohlberg's theory in no small way has depended on a balance between empirical research and ethical theory.

a. The Premoral

If the moral is a matter of rule-governed, intentional

behavior, a first question to be answered in developmental research is where such behavior begins. Jean Piaget in his moral judgment research came to the conclusion that there were three types of rules. The first type is the motor rule.⁹ Motor rules arise as the infant internalizes and makes his own the regularities of his existence. An infant is given the breast in a certain way, put down to sleep at a certain time, put in his playpen when his caretaker is fixing a meal, and so on. These regularities give rise in the infant to what Piaget terms "imperative habits."¹⁰ The infant not only gets used to these regularities, but comes to demand some of them. The infant seeks to bring about by his own means those regularities of interest to him when they are not provided. His means may be limited to little more than crying. But his attempts to maintain certain regularities give rise to the ritual schemes or motor rules that are the beginning of rule-governed behavior.

The other two types of rules are coercive rules based on unilateral respect¹¹ and rational rules based on mutual respect.¹² According to Piaget, as the child develops a verbal ability and is socialized, he adopts as his own those rules others follow or impose on him. His initial adoption of these rules is based on a respect for his superiors. He attributes a sanctity and fixity to these rules due to their external origin even when he may have unconsciously changed them.

Rules are seen as coercive because the child does not recognize his own contribution to them. Coercive rules, in turn, become rational rules as the child is able to understand that he has an input and a power of decision. Rules become a matter of individual decision. Adherence to rules is based on the mutual respect generated by autonomous persons agreeing on how to regulate their relationships.

These two latter types of rules are the basis for Piaget's "two moralities."¹³ His two moralities are a heteronomous morality based on coercive rules and unilateral respect and an autonomous morality based on rational rules and mutual respect. Piaget does not consider motor rules to have a moral dimension. This is because Piaget believes that "the feeling of obligation only appears when the child accepts a command emanating from someone whom he respects."¹⁴ For Piaget, morality is above all a social product.¹⁵ Constraints are placed on the infant and child. As the child develops a respect for his elders, he internalizes their rules and becomes moral. With appropriate social conditions, this original morality of constraint can develop into a morality of cooperation and mutual respect. But the basis of morality is the feeling of obligation to commands issued by respected authority.

We can say then that Piaget believes that there is a time before morality or a premoral stage in moral development.

He believes this because he finds the moral to be social in origin and based on submission to authority. Kohlberg follows him in asserting the existence of a time before morality in the life of an individual. However his formulation may have significant, though unacknowledged differences from Piaget's. Kohlberg considers Piaget's premoral, heteronomous, and autonomous stages to correspond respectively to his premoral, heteronomous, and instrumental exchange stages.¹⁶ Indeed he sees his investigation of morality as based on and extending Piaget's work. Unnoticed is how his definition of the moral differs from Piaget's on a most essential point. Piaget believes that there is a time before morality because the moral involves first of all submission to respected authority (which incidentally requires language). Kohlberg thinks that there is a time before morality because children do not have a verbal understanding of rules and obligation before the age of four to six. Kohlberg in his definition of the premoral shifts the emphasis away from the lack of submission to the lack of verbal understanding.

Kohlberg infrequently lists a Stage 0 along with his other stages to indicate a premoral time.* Stage 0 or the

* I shall suggest that Kohlberg makes the development of moral understanding too dependent on language. . . . /

premoral stage is defined as follows:

Neither understands rules or judges good or bad in terms of rules and authority. Good is what is pleasant or exciting, bad is what is painful or fearful. Has no idea of obligation, should, or have to, even in terms of external authority, but is guided only by can do and want to do.¹⁷

This stage can be considered to have substance only insofar as we are defining obligation, rules, and authority in terms of a child's verbal understanding. It can readily be demonstrated that these notions or their analogues exist long before the child can articulate them.

Kohlberg claims that a child before the age of four to six has no idea of obligation. It may be useful to look at some anecdotal evidence to the contrary. Notions of obligation are apparent in the following incidents reported by Piaget although the child's age is much below what Kohlberg considers as the starting point of morality.

For some time J. has had a very small appetite, with the result that during this period of her life the essential rules of her universe were those appertaining to food. The World-Order decreed that one should take a cup of cocoa at four o'clock, a good

* (cont'd) . . . If this is so, it may be as much due to inattention to moral judgment in young children as anything else. Unfortunately once a period is defined as premoral, it becomes much easier to ignore in the study of moral development.

bowlful of vegetables in the middle of the day, a few little drops (of hydrochloric acid) in water just before lunch, etc. Now once these orders had been accepted, right and wrong were defined by the conformity or non-conformity of actions in relation to them, and this independently of all possible intentions or circumstances. For example, one day J. at 2; 10 (7) is not very well and her mother feels that probably the usual plate of vegetables will be too much for her. Sure enough, after one or two mouthfuls J. shows signs of weariness. But she insists upon finishing her helping, because it is the rule. It is no good letting her off, she perseveres in her view, though she is not enjoying her food. Every time she is given a spoonful she cannot swallow it, but when the bowl is taken away she asks for it back, as though it were a sin not to empty it. Finally it is taken away and we try to reassure her by telling her that it is not her fault, that some days people are less hungry than others, etc. In spite of all these precautions taken by her mother, J. then begins to cry. Even when she has been comforted she still shows signs of remorse, promises to go to sleep, etc.

Another example. At the age of 2; 10 (23) J. is taking her hydrochloric acid as usual. But too many drops have been put in the glass, and J. is told that she need not drink it all. Sure enough, after taking a draught or two she complains that it prickles; she looks disgusted and even feels sick. All the same she wants to drink it all up. Her mother repeats that it is not necessary and lifts her down from the chair. J. bursts into tears as though she has done wrong. She comes back to the glass and insists upon drinking it up.¹⁸

Piaget has reported other incidents of this type. But the likely challenge is not to the reports of such commonplace incidents. It is to the interpretation of them as moral. A main stumbling block to regarding them as moral is the

requirement that infants and young children be judged to have some degree of control over their behaviors, rather than just being propelled along by an energy subject only to internal needs and external constraints. Are infants and young children really attempting to behave as they think they should, or are they just automatons programmed by internal needs and external constraints?

I think both Kohlberg and Piaget would want to answer that infants and young children exert a degree of control over their behavior. If it is a lesser degree because of a lack of cognitive tools, still it is there virtually from the first. Kohlberg would say this because he subscribes to the intrinsic motivation of behavior. An infant decides whether to do some things on the basis only of interest.¹⁹ Mechanistic, drive-reduction models of motivation are rejected by Kohlberg. The same is true of Piaget. Piaget finds intentional behavior present in the infant from at least the eighth month.²⁰ By this time the infant is able to coordinate a number of actions in order to achieve a less-than-immediate goal. According to Piaget, the attainment of such coordination indicates an active, organizing intelligence in control of itself. Thus both Piaget and Kohlberg affirm that the infant has a degree of freedom early in his behavior. Although full autonomy requires years of development and the construction of cognitive tools enabling

differentiation of the self from its world, an initial autonomy is there early in development.

Kohlberg believes that he is following Piaget in postulating a premoral stage. But since he does not do it for the reason Piaget does, his premoral stage differs from Piaget's. Piaget traces the origin of rules and feelings of obligation back to infancy. When Kohlberg denies the existence of rules and notions of obligation in very young children, it is because he is identifying these items with their verbal manifestations. If a child cannot state why he is doing something, Kohlberg does not attribute a moral motivation to the child. Thus Piaget's child might not be found to have a notion of obligation in the above example because a two-year-old child is virtually unable to articulate why she feels compelled to do something. This is despite the fact that she is going against internal need (a digestive upset) and external constraint (her parent's pleading).

Piaget might also deny the moral nature of J.'s decision. But he would do so for another reason. J. could not be engaged in moral behavior because she is not sufficiently advanced in her social understanding to submit to the verbal commands of respected authority as opposed to external constraints (such as being physically constrained from hurting herself by denial of her vegetables). Piaget in this way

confines morality to a verbal level.*²¹

Piaget's work on moral judgment has generated much attention over a number of decades.** The orientation to submission in his definition has particularly caused critical

* This is a subtle point whose understanding is not helped along by Piaget's occasional terminological inconsistencies in his definition of the moral. For instance, Piaget's extensive discussion of motor rules includes such paragraphs as the following: "We shall conclude this analysis of the first stage by repeating that before games are played in common, no rules in the proper sense can come into existence. Regularities and ritualized schemas are already there, but these rites, being the work of the individual, cannot call forth that submission to something superior to the self which characterizes the appearance of any rule."²²

Despite consistently referring to motor rules and exploring their origin, Piaget tells us that they are not really rules because the social dimension is not sufficiently differentiated for submission to respected authority to occur.²³ If we wanted to accept Piaget's emphasis on submission to respected authority as key, then we should perhaps cease speaking about motor rules, as they are not really rules. This terminological confusion spills over into his general definition of the moral.

** Thomas Lickona says in a review of the research on Piaget's theory of moral development: "At the end of this tour through the Piagetian moral judgment literature the reader may feel that--contrary to the honored axiom of scholarship--more research is not needed. His intuition is probably sound. All of the evidence may not be in, but there is enough from a generation of testing Piaget's theory to render a verdict on at least the broad outlines of his theory."²⁴

Lickona is making this judgment based on the amount of research there is investigating Piaget's notion of the heteronomous and autonomous moralities of the child. Piaget's theory is usually equated substantially with these two moralities. However I want to suggest that there is much more to Piaget's theory. Much work remains to be done on the . . . /

comment. Piaget is occasionally quite unrestrained in his pronouncements. For instance, he says:

Moral constraint is characterized by unilateral respect. . . . this respect is the source of moral obligation and of the sense of duty: every command coming from a respected person is the starting point of an obligatory rule. . . . Right is to obey the will of the adult. Wrong is to have a will of one's own.²⁵

This highlighting of submission appears to overstate its importance in moral development. Empirical research supports prima facie evidence that children's moral judgments are not nearly so influenced by adult authority as the preceding would indicate. Lickona has summarized the contrary evidence as well.

Young children do not, as their parents or teachers can wearily attest, stand in awe of the authority of adults or the rules they repeatedly set forth. When a preschool child flushed the father doll down the toilet, as Kohlberg observes, it is hard to view his action as consistent with a sense of heteronomous respect for the patriarchal father. Rather, the research indicates that loyalty to and genuine respect for rules, is something that children must develop during the early school years (ages 4 to 7) and something that accompanies advance, not immaturity, on moral dimensions such as judging the rightness of the action apart from its

** (cont'd) . . . origin of rule-governed behavior in the infant and small child. Piaget's work can provide many leads for us in this regard. To date, little has been done to develop these leads.

external consequences. The child's early obedience orientation in moral thinking appears to be based less on respect for the moral status of adults than on simple recognition of their superior power.²⁶

Submission to the commands of respected authority is likely not so much the basis of morality as it is a stage in the development of the moral. Young children imitate and identify with more powerful and competent parental figures particularly strongly at the ages offered by Piaget and Kohlberg for the beginning of the moral. They orient to them in their learning about the world. But the dependence on elders as the source of rules may have little to do with the real nature and basis of rules. A child may look to respected elders for their opinions in much the same way scholars look to books written by respected colleagues. More attention is paid to what is said given the trust and respect accorded the source. But this does not mean that moral judgment is an internalization of commands any more than scholarly judgment is an internalization of respected colleagues' opinions. In both cases there is a prior autonomy and an assent to a certain type of evidence in the construction of understanding. A child does not follow all commands given by respected authorities. He simply follows a sizeable number (particularly those in accord with his own spontaneous understanding) until such time as he can construct a more adequate understanding of his own.

Kohlberg has convincingly argued for the view of the young child as the initiator of his understanding in the realm of imitation²⁷ and sex-role concepts.²⁸ Indeed he represents what he has to say as the cognitive-developmental view. I think he is right in this as Piaget attributes the initiative to the individual except in the domain of moral judgment. In the domain of moral judgment, Piaget attributes the child's transformation into a moral creature to his passive reception of commands. If I am correct, this heavily-criticized element in Piaget's theory is at odds with his other thinking. With the rejection of this aspect of Piaget's theory, the way is clear for an examination of moral thinking in the infant and young child.

b. Moral Origins: Convention and Competence

It has already been noted that Kohlberg's notion of a premoral stage is deficient insofar as he denies a sense of obligation in the young child and infant. I want now to suggest that interpreting moral judgment predominately in terms of a verbal understanding of social convention can be misleading. Infants and young children may not have a verbal understanding of social convention. But that is not sufficient reason to deny the existence in the young child of a rudimentary morality. Piaget documents the existence of such even

though he has difficulty saying so given his orientation to submission. Piaget's exploration of the moral (as rule-governed behavior) is much more comprehensive than discussion of the two moralities would suggest. As William Damon says, Piaget "traces morality all the way back to the infant's playful (non-purposeful) sucking in his crib; the rationale being that from such playful activity derives pleasure in repetition and regularity, which in turn leads to respect for rules (as in children's games), and finally to respect for the social and moral codes of behavior."²⁹

Terming the infant's playful sucking in the crib to be moral behavior may seem odd. Indeed without a recognition that such behavior is a precursor to what is ordinarily referred to as moral, it would be unacceptable. The term "moral" comes from the Latin mores which means "manners" or "customs."* If the moral is a matter of observing the customs of a society, to refer to the infant's behavior as moral seems to stretch the term beyond acceptable limits. But when does it become acceptable? Apparently the individual needs to understand what the customs or conventions of his society are before he can be asked to follow them. When does this occur?

* This is Kohlberg's meaning of the term "convention." He does not restrict the term to the "smaller" moral issues as Elliot Turiel does.

According to Kohlberg this occurs with his third and fourth stages of moral judgment. His third and fourth stages are grouped together as the second of three levels Kohlberg finds in moral judgment. This level is called the "conventional" and is contrasted with the "preconventional" (comprised of the first two stages) and the "postconventional" (comprised of the last two stages). The common feature of the three levels is the orientation to convention.

The term "conventional" means conforming to and upholding the rules and expectations of society and authority just because these are society's rules, expectations or conventions. The preconventional level is so-called because it has not yet come to really understand and uphold conventional or societal rules and authority. The postconventional level is so-called because it understands and basically accepts society's rules, but this acceptance and understanding is based on the prior formulation and acceptance of general moral principles or values underlying society's rules. These principles in some cases come into conflict with society's rules, in which case the post-conventional individual judges by principle.³⁰

In sum, there is a time on the path to maturity before an individual understands and accepts society's conventions as his standards of good, a time when he does, and a time when his understanding exceeds and is not limited by convention.

Kohlberg has suggested that there is a premoral stage because there is a time before the child understands rules and has an idea of obligation. If the moral is a matter of

orientation to conventional social rules and Kohlberg is to be consistent, he really should cease speaking of a preconventional morality. The preconventional should be classified with the premoral. At both the conventional and postconventional levels, there is an understanding of the rules which constitute the mores or conventions of society. At the preconventional level, there is no such understanding. Certainly the preconventional thinker is influenced by and interacts with the conventions of his society. But since he does not understand them, they are not yet his customs. The child begins as a stranger in his own culture.

The preconventional thinker lives in society and has to interact with it, even if he does not understand the dynamics of its demands on him. He looks at the environment of social conventions much as he does the physical environment. Both have to be manipulated in certain ways if he is to achieve certain ends. Both impose penalties when their rules are not adhered to. The preconventional thinker is only approaching the understanding of society even as an amorphous community (such as occurs with Stage 3 thinking). Society is conceived as a "chain of twosomes."³¹ The status of societal customs and conventions is not understood.

What Kohlberg has missed, in my estimation, is that the individual does not begin to interact with societal

conventions at the time when verbal commands can be understood. Societal conventions begin to shape the behavior of the individual in infancy. This is not meant merely in terms of constraining the infant. Piaget is quite right to distinguish between regularities of behavior and imperative habits.³² Imperative habits are regularities of behavior which the infant seeks to maintain in his own right. From the moment an infant attempts to uphold rules or regularities of behavior in his own right, I think we can begin to speak about morality. The infant attempts to maintain imperative habits because he finds them to be good and obligatory. This does not mean that he necessarily finds them to be pleasant. J. in her imperative habit of eating her vegetables was plainly not enjoying herself. She however felt an obligation to persist. She wanted to eat her vegetables and not even the admonitions of her parents could prevail against her.

Moral judgment, in my opinion, is more basically ethical judgment. The term "ethics" comes from the Greek word ethos meaning "character" as well as "custom." I would suggest that when we try to do what is good it is because we seek to be good and competent persons. We try to construct good characters. This has a social dimension because we are social creatures. But the social is secondary to the autonomy of the individual (although they are so intertwined that there are dangers in

speaking in this fashion).

J.'s problem in feeling an obligation to eat her vegetables despite her physical inability to do so is representative of the nature of ethical problems. She wants to do what she has understood to be good. But she has not understood the reasons why under present conditions eating her vegetables is not good. At every stage in moral judgment, the individual seeks to do what is good. The difficulty is in recognizing what that is.

The source of ethics or morality resides in the individual's desire to act autonomously and competently in the world. Every behavioral choice an individual makes has a moral dimension, however insignificant. This can easily be overlooked as people tend to consider only certain types of behavioral choices as moral.* The tendency to identify the moral

* The narrowing of the term "moral" can go to absurd lengths as in a radio broadcast heard after Anita Bryant's successful campaign against a homosexual-rights ordinance in Miami. The radio reporter said that the issue had been whether sexual relationships between consenting adults was a moral issue or a human rights issue (as if human rights do not involve morality). This tendency to identify the moral with certain types of moral issues is there in Kohlberg as well. He considers it "strange" to think that there are fixed moral rights to scientific knowledge, artistic experience, and religious faith.³³ Kohlberg stresses the moral issues related to justice at the expense of recognizing other types of moral issues.

with a particular aspect of it is there in Kohlberg's definition of the moral domain. Consider the following declaration.

Moral judgment refers to a mode of prescriptive valuing of the socially good and right.³⁴

If taken as the criterion of what constitutes a moral judgment, all sorts of questions normally associated with the moral domain are excluded.

For instance, whether or not I abuse animals is normally considered to be a matter of morality. Yet the abuse of animals does not directly infringe on the rights of others (unless personhood is allotted to animals³⁵). Such abuse can be considered as a social matter only where societal opinion is sensitized to the maltreatment of animals. However I do not imagine that many would be willing to deny the moral nature of the matter in the absence of societal sensitivities.*

Another area of moral concern has to do with the character of the individual. Identification of the moral with

* John Rawls has noted that there is more to the moral than the social. As he says: "We should recall here the limits of a theory of justice. Not only are many aspects of morality left aside, but no account is given of right conduct in regard to animals and the rest of nature. A conception of justice is but one part of a moral view."³⁶

the social excludes many questions open to moral enjoinders. Why should I work diligently in my labors when a lesser effort would meet the requirements of dealing justly with others? Or why should I be honest with myself as long as I am honest with others? Such matters are only social in a secondary sense.

It is possible to consider all judgment as social, because all intelligible judgment is public.* However if Kohlberg's phrase "the socially good and right" is identified only with respecting the rights of others, and these others are our fellow human beings, then many questions ordinarily (and properly) considered as moral are excluded. This does not need to happen if we recognize that the moral involves more than the social. If many of the key moral problems we confront in our daily lives are social in nature, this should not keep us from recognizing that many are not. All segments of the moral get included only when we define the moral as equivalent with the domain of intentional human action. When we act autonomously and competently, we act ethically or morally.

All of our norms are products of our behavior. This does not mean that they are only subjective features of our understanding. What is does mean is that in present circum-

* Thus we have Stephen Toulmin's aphorism: "Each of us thinks his own thoughts; our concepts we share with our fellow-men."³⁷

stances the subjective contribution cannot be excluded from consideration. Just as the child constructs his logico-mathematical and physical norms and then functions according to them, so also the child constructs his moral norms. All represent organizations of active, ongoing experience. If we can give them atemporal formulations, it is by a process of abstraction and deliberate exclusion of the temporal. Piaget has understood this and commented on it (although this aspect of his thought has been generally ignored). Thus we get his definition of logic and morality in terms of each other.

"Logic is the morality of thought just as morality is the logic of action."³⁸ When it is remembered that thought is interiorized action for Piaget,³⁹ this statement takes on a double significance. Not only is morality the logic of action, but since thought is action, a study of morality involves the study of our complete characters.

It may seem odd to think that when we engage, for example, in a study of the formation of conservation concepts or the notion of transitivity in the child that we are engaged in moral study. But this is an implication. These moral concerns are so far in the background of our ordinary moral concerns that only at the rarest of times do we wonder whether it is better to be a conserver or a non-conserver, logical or illogical. The command 'Be logical!' is used more often as a

gesture of exasperation than a moral enjoiner. Yet on that command lies all of our subsequent moral behavior. The child constructs his logical tools. As he constructs them, what we conceive of as logically necessary is only gradually recognized and affirmed by the child.⁴⁰ The feeling of necessity or obligation is part of the integral functioning of the newly constructed norm. So also all of what we more commonly identify as our moral norms derive their imperative force from their integral functioning.

c. Perspective-taking

I agree with Piaget that the moral in general is a matter of rule-governed behavior. We strive to act freely and competently in the world with the result that we are moral creatures. Even adherence to the rules of logical thought has a moral aspect as the individual must construct and choose these for himself. However if the domain of morality is this extensive, what we normally identify as the range of moral questions is less so. Certain decisions we make are much more vital and conscious than others. The choice of conservation rules occurs so early in development and with such minimal conscious deliberation that we have only recently discovered their subjective dimension. This discovery has not caused us to cease operating by them. Such choices once made seem no

longer subject to choice and conscious deliberation. We act according to them without questioning their validity. At most only a physicist would question, say, the conservation of matter, and then only in a manner that transcends the concept's ordinary range.

As development occurs, the moral becomes identified with those questions where the subjective dimension is most closely tied to the requirements of action. We do not think of our understanding of the physical world as having a moral dimension because of its objectivity. We do not consider our fantasies as moral because of the looseness of the link between subjective fantasy and action. It is in those areas where choice between competing conceptions of the world is closely linked to action that we speak of morality. In the child, the moral is only gradually differentiated from the physical and from fantasy.

Piaget has noted that "every regularity observed in nature, every 'law' appears to the child for a long time as both physical and moral."⁴¹ Piaget does not find this surprising as differentiating between cause and effect in experience requires a degree of sophistication. At first the child is not able to say what is a result of his own behavior. He has to learn what is open to his initiative and what is not. As Piaget points out:

Heat burns (physical law), it is forbidden to touch the fire (moral law) and the child playing around in the kitchen will amuse himself by touching every piece of furniture except the stove (individual ritual). How can the subject's mind distinguish at first between these three types of regularity?⁴²

Spontaneous action precedes a knowledge of the external world. Indeed the external world is known only as initial spontaneous action is organized and brought under control. It is a later discovery that some regularities are subject to a great deal of individual decision for their maintenance and some are not. Hot stoves always burn, but eventually there is no need to touch hot stoves in order to take this into account.*

This lack of differentiation between the physical and the moral persists into middle childhood and beyond. The heteronomous thinker with his definition of the good in terms of physical consequences has yet to differentiate between intentional and unintentional causes. He sees only the effects of action. With his notion of immanent justice, he also tends to link unfortunate events with unconnected violations of the moral law.⁴⁴ However what is of most interest in the

* The young infant is so little able to differentiate between external stimuli and internal response that to begin with things heard or seen have to be touched to take them into account. Things touched or heard have to be looked at. An infant's first task may not be differentiation between external and internal, but intersensory differentiation.⁴³

differentiation of the world into moral and non-moral domains is the developing recognition of the existence of other persons. If the moral has a larger scope than the social, still the social is central to the moral. We first differentiate ourselves from the external world. Then we discover that we are not alone.

I want now to suggest that moral development is largely a matter of the development of perspective. Rules are first treated as absolute. Only gradually does understanding recognize the importance of context and perspective in the application of rules. In the social domain, it is necessary not only to understand a range of rules in the guidance of behavior. It is also necessary to realize that judgments may vary between individuals as to which rules are applicable to which situations. A crucial part of the understanding of any social situation is the understanding of how it may be viewed by others.

Before an individual can take others into account, he must be able to understand that there are other people who may not share his perspective on events.* Robert Selman has found

* Kohlberg has only in the past decade explicitly distinguished between social perspective and moral judgment. A formulation of his stages in 1968 (Table I) did not distinguish between the two. More recent formulations such as one . . . /

that young children in response to a verbal dilemma are often unable to recognize that there can be more than one way to look at a situation.** For instance, a child is asked about the appropriateness of buying a puppy for a friend who is mourning the loss of what he has said is the only puppy he ever wants. The interviewee may respond by recommending the purchase of the puppy for the friend because he himself likes puppies.⁴⁷ There is no awareness that the friend may not want another puppy. The child is egocentric in his understanding of rules and the social world. He thinks how he perceives

* (cont'd) . . . in 1975 (Table IV) do. According to Kohlberg, the development of social perspective occurs prior to and is the basis for moral judgment.⁴⁵ I would suggest that the difference between the two is more a matter of the difference between what is true of the moral in general and what is the case concerning Kohlberg's morality of justice as fairness.⁴⁶

Justice may be one of a number of central organizing concepts in moral thinking. If so, then some aspects of Kohlberg's moral stages may hold true only for those oriented to justice. However all moralities, whatever the central organizing concept, can be ordered along a dimension of taking others into account. What Kohlberg and his colleagues have been identifying as social reasoning, I want to suggest is moral reasoning. If the stages of justice as fairness are not found to be universal, I suspect the stages of perspective-taking may be.

** Selman has done much of the detailed work on perspective-taking. However since the focus of this dissertation is on Kohlberg's work, Kohlberg's version of the development of perspective-taking is given in the tables.

events is how everyone must perceive them.

Gradually the child comes to see that others have views which may differ from his. The child now is able to understand that the owner of the puppy might not want another. However he is unable to recognize that the owner, if given a puppy he does not want, might understand the good intentions of the giver.⁴⁸

Different perspectives are admitted, but the child shifts back and forth between them. At one moment he wants to give a puppy because he likes puppies. The next moment he expects that the owner would hate him if the owner does not want the puppy.

The next advance comes with the ability to see viewpoints in relation to each other. The child realizes that the owner of the lost puppy might really want a puppy even when he says he does not.⁴⁹ He is able to put himself in the place of the other and imagine how he might feel. This contrasts with the earlier perspective-taking where his attribution of a view to the other is based on the more immediate cues of how the person presently does feel. There is still a shifting back and forth between perspectives for the child, but now there is a self-reflective understanding of how he might feel in the other's place.

Finally a full understanding of the difference between perspectives is achieved. The child not only is aware of how he and the other person presently feel about puppies, and how

he would feel in the other's place, but also sees the situation from a mutual perspective. He sees that the lost puppy's owner might be able to understand his good intentions if he gave the owner the puppy.⁵⁰ He is finally able to hold perspectives simultaneously so that he can evaluate all the factors potentially there in a dyadic social interaction.

The attainment of the ability to see the other's perspective and how it might differ from one's own view without loss of that view is fundamental to the conduct of social relations. At first the child does not distinguish between perspectives. He assumes everyone sees things as he does. People are information collectors, not information processors who have their own interpretations of events.⁵¹ Only gradually is there a recognition that people differ in their perspectives. But until this occurs the full complexity of situations cannot be taken into account.

Kohlberg has followed Selman's lead in his definition of the social perspectives required for his moral stages. Kohlberg, unlike Selman, does not distinguish between the time a child does not recognize that a plurality of perspectives exists and when he does, but shifts back and forth between them.*

* Thus in Table IV (pp. 347-50), these are grouped together as Stage 1's social perspective. Selman more properly equates the former with Kohlberg's premoral stage.⁵² . . . /

Table IV

Lawrence Kohlberg's Six Moral Stages*

Content of Stage

Level and Stage	What is Right	Reasons for Doing Right	Social Perspective of Stage
LEVEL I --PRE-CONVENTIONAL Stage 1-- Heteronomous Morality	To avoid breaking rules backed by punishment, obedience for its own sake, and avoiding physical damage to persons and property.	Avoidance of punishment and the superior power of authorities.	<u>Egocentric point of view.</u> Doesn't consider the interests of others or recognize that they differ from the actor's; doesn't relate two points of view. Actions are considered physically rather than in terms of psychological interests of others. Confusion of authority's perspective with one's own.

* Lawrence Kohlberg, "Moral Stages and Moralization: The Cognitive-Developmental Approach," in Moral Development and Behavior: Theory, Research and Social Issues, ed. by T. Lickona (New York: Holt, Rinehart and Winston, 1975), pp. 34-35.

. . . /

Table IV (cont'd)

Level and Stage	What is Right	Reasons for Doing Right	Social Perspective of Stage
Stage 2-- Individualism, Instrumental Purpose, and Exchange	Following rules only when it is to someone's immediate interest; acting to meet one's own interests and needs and letting others do the same. Right is also what's fair, what's an equal exchange, a deal, an agreement.	To serve one's own needs or interests in a world where you have to recognize that other people have their interests, too.	<u>Concrete individualistic perspective.</u> Aware that everybody has his own interest to pursue and these conflict, so that right is relative (in the concrete individualistic sense).
LEVEL II -- CONVENTIONAL Stage 3-- Mutual Inter- personal Expectations, Relationships, and Interper- sonal Confor- mity	Living up to what is expected by people close to you or what people generally expect of people in your role as son, brother, friend, etc. "Being good" is important and means having good motives, showing concern about others. It also means keeping mutual relationships, such as trust, loyalty, respect and gratitude.	The need to be a good person in your own eyes and those of others. Belief in the Golden Rule. Desire to maintain rules and authority which support stereotypical good behavior.	<u>Perspective of the individual in relationships with other individuals.</u> Aware of shared feelings, agreements, and expectations which take primacy over individual interests. Relates points of view through the concrete Golden Rule, putting yourself in the other guy's shoes. Does not yet consider generalized system perspective.

... /

Table IV (cont'd)

Level and Stage	What is Right	Reasons for Doing Right	Social Perspective of Stage
Stage 4--Social System and Conscience	Fulfilling the actual duties to which you have agreed. Laws are to be upheld except in extreme cases where they conflict with other fixed social duties. Right is also contributing to society, the group, or institution.	To keep the institution going as a whole, to avoid the breakdown in the system "if everyone did it," or the imperative of conscience to meet one's defined obligations (Easily confused with Stage 3 belief in rules and authority; see text.)	<u>Differentiates societal point of view from interpersonal agreement or motives.</u> Takes the point of view of the system that defines roles & rules. Considers individual relations in terms of place in the system
LEVEL III -- POST-CONVENTIONAL, or PRINCIPLED Stage 5-- Social Contract or Utility and Individual Rights	Being aware that people hold a variety of values and opinions, that most values and rules are relative to your group. These relative rules should usually be upheld, however, in the interest of impartiality and because they are	A sense of obligation to law because of one's social contract to make and abide by laws for the welfare of all and for the protection of all people's rights. A feeling of contractual commitment, freely entered	<u>Prior-to-society perspective.</u> Perspective of a rational individual aware of values and rights prior to social attachments and contracts. Integrates perspectives by formal mechanisms of agreement, contract,

. . . /

Table IV (cont'd)

Level and Stage	What is Right	Reasons for Doing Right	Social Perspective of Stage
	the social contract. Some nonrelative values and rights like <u>life</u> & <u>liberty</u> , however, must be upheld in any society and regardless of majority opinion.	upon, to family, friendship, trust, & work obligations. Concern that laws & duties be based on rational calculation of overall utility, "the greatest good for the greatest number."	objective impartiality, and due process. Considers moral and legal points of view; recognizes that they sometimes conflict and finds it difficult to integrate them.
Stage 6-- Universal Ethical Principles	Following self-chosen ethical principles. Particular laws or social agreements are usually valid because they rest on such principles. When laws violate these principles, one acts in accordance with the principle. Principles are universal principles of justice: the equality of human rights & respect for the dignity of human beings as individual persons.	The belief as a rational person in the validity of universal moral principles, and a sense of personal commitment to them.	<u>Perspective of a moral point of view</u> from which social arrangements derive. Perspective is that of any rational individual recognizing the nature of morality or the fact that persons are ends in themselves and must be treated as such.

However other than this qualification, the advances in understanding represented by responses to Selman's puppy dilemma line up with Kohlberg's first three stages.

At Stage 1, the child shifts back and forth between what authority says is good and what he himself considers to be good. There is a confusion between the two perspectives, although the child understands that there is a difference. At Stage 2, there is a recognition that individuals have differing interests. Formerly this recognition existed only in the alternation between perspectives. Now there is an attempt to mediate between differing interests by some sort of bargaining rather than simple domination of one by the other. This in turn leads to Stage 3 where full mutuality of perspective is achieved. No longer are the differences in perspectives defined sequentially as in a bargaining situation. There is a simultaneity in the understanding of the differences between perspectives. A third-person perspective is achieved as the self is considered as one among many.

* (cont'd) . . . When Kohlberg says children do not understand rules and obligations, what may really be happening is that they do not distinguish between the rules given by external authority and their own understandings. Consequently they are unable to consistently adhere to rules even with the best of intentions.

I would like to suggest that moral advance in the social domain is primarily a process of taking others into account. We begin by not understanding that there are differences in conceptions of the good. As we develop, we pass through a stage where we are heavily influenced by the demands of authority or other perspectives. We then realize that our own interests may legitimately be different from those of others. Bargaining is the key feature of the moral here (as if the good were simply a matter of interpersonal agreement). Finally we achieve true mutuality of perspective when we recognize that each of us is one among many. The egocentrism of the beginning ends in a plurality of selves. We have the cognitive tools for identifying imaginatively with others without sacrificing our own perspectives.

Saying that moral advance is a matter of increasingly being able to take others into account does not say very much about how we take others into account. That depends on the central organizing concepts actually used. We can take others into account by treating their opinions as deserving as much respect as our own or by treating either our own perspective or that of others as having precedence. Central organizing concepts can range from a self-aggrandizing egoism to a self-sacrificing altruism. Development of social perspective does not necessarily imply any specific morality. Nor does it mean

that all moralities based on the development of perspective are equal. The value of specific moralities is a separate question. But I would suggest that all moralities share the common feature of the development of perspective.

d. Verbal and Non-Verbal Moral Behavior

My proposed direction in the study of moral development requires rethinking of some current distinctions. I have suggested that the moral in general is a matter of rules and moral development a process of realizing that there can be a multiplicity of perspectives concerning the worth of each rule's application. If this is so, then attempts to differentiate between social and moral judgment need to be reinterpreted. Many have followed Kohlberg in identifying moral judgment with verbal, justice-as-fairness reasoning.⁵³ Behavior that deviates from what a person says is good when reasoning according to justice-as-fairness standards is interpreted as non-moral ("realistic") and a matter of social judgment. Although a number of distinct theoretical difficulties have been created by Kohlberg's emphasis on verbal morality, they perhaps can be adequately criticized collectively by considering two of William Damon's distinctions. Damon has differentiated between practical and moral orientations and between theoretical and real-life social knowledge.⁵⁴

William Damon gives substance to the first distinction as follows:

The distinction between practical and moral considerations may be defined in the following manner: practical considerations focus upon the realistic consequences of actions, especially consequences affecting the self or those associated with the self; whereas moral considerations ultimately focus on the issue of how justice is best served.⁵⁵

Rather than differentiating between the different moral strategies, Damon is influenced by Kohlberg and equates the moral with justice. Consequently when individuals are observed to behave differently from what they would claim is right when using justice-as-fairness language, Damon attributes it to practical, not moral considerations. A gap is created between what moral judgment can account for in behavior and how people really behave. Rather than the moral being a matter of intentional action, the moral is equated with the use of justice-as-fairness language.*

Kohlberg⁵⁶ and Selman also adhere to something close to this distinction. As Selman says:

* The moral/non-moral distinction here gets confused with the moral/immoral distinction. When a person's intentional behavior is not in accord with justice-as-fairness requirements, it becomes very difficult, if not impossible, to say whether the behavior is immoral (according to justice as fairness) or non-moral (practical).

Moral judgment considers how people should think and act with regard to each other, while social role taking considers how and why people in fact think and act toward each other.⁵⁷

But why should we consider behavior other than moral just because it does not conform to the demands of the concept of justice as fairness? If a person's verbal morality (what he says should be done) differs from his practical morality (what he actually does), to me that is interesting, but it is not sufficient reason to restrict the moral to the verbal. The moral includes how people behave towards each other. It does not stop with what they say about how they should behave. To identify moral judgment with what a person is willing or able to say about the reasons for his behavior is unsatisfactory. Left unconsidered are the reasons why a person acts in a way contrary to what he says.*

* There have been a number of attempts to equate the moral with certain linguistic forms. For instance, Ann Colby has substantially identified the moral with questions of what we should do and the non-moral with questions of what we would do in situations.⁵⁸ But this would/should distinction is primarily a matter of deliberation. Thus I can say, "I would return the wallet, but I should keep it." Here my immediate inclination to do what is normally considered morally proper (return the lost wallet to its owner) is contrasted with my more central moral value of favoring myself. If greater deliberation is normally associated with concern for others, this may say something about the relative worth of moralities, not that we become more moral when we deliberate. Colby and others including Kohlberg frequently confuse the . . . /

Selman's distinction between social role-taking and moral judgment stages has led to speculation that the development of social perspective is a necessary, but insufficient requirement for a parallel development of moral judgment.⁵⁹

As Selman articulates it:

. . . studies, using a variety of role-taking measures, found subjects whose role-taking reasoning exceeded their structurally parallel moral judgments. The reverse, significantly, was not true. These measures have shown that in normal populations, role-taking stage generally paralleled moral stage or exceeded it by only one stage. In a study of young adult delinquents, however, the role-taking of many subjects was far superior (by two stages or more) to their moral thinking. These subjects had a relatively mature conception of the way the social world operated, but a retarded sense of what it should be like.⁶⁰

Not taken into account in this consideration is the possibility that individuals with advanced social reasoning may conceive the good in terms other than the morality of justice. Retarded performance on measures of justice (or some other principle) indicate retarded moral development only if justice is properly equated with the moral. Otherwise poor

* (cont'd) . . . moral/non-moral distinction with the moral/immoral. Colby's would/should distinction may have educational applications since we want to encourage students to deliberate. But it is a poor basis for distinguishing between the moral and the non-moral. The non-moral is the non-intentional. Once intention is there, then it is a question of the morality or immorality of the behavior.

performance indicates only that the tests tapping the moral dimension are not sufficient to deal with the full cognitive complexity of what is occurring in so-called morally retarded thinking. I would suggest that Kohlberg's judgment stages are not normally found in advance of Selman's role-taking stages because the general requirements of moral development govern the development of specific moralities.*

The difference between Damon's moral and practical orientations seems to be little more than the difference between what people say they value and what they really value. In some environments, equilibrated moral behavior may involve talking about justice as fairness (equal treatment of the self and others) while acting to protect one's own interests. What people admit to valuing should not be considered more than an indicator of what they really value.

* An occasional finding of superior performance on Kohlberg's moral dilemmas would not indicate that an equivalent level of perspective-taking was not implicated in moral judgment. As noted in the third chapter, mental structures are not essences or abstract forms of understanding dropped onto experiential content. They are a matter of family resemblances involving common characteristics of closely-related tasks. If a person has more experience with the incidents involved in Kohlberg's dilemmas than with Selman's, it is entirely reasonable that advanced perspective-taking would be should there first. For a more extensive discussion of this, see William Damon, The Social World of the Child (San Francisco: Jossey-Bass Publishers, 1977), pp. 321-323.

Damon's second distinction also requires careful consideration of the difference between verbal and non-verbal behavior. Only here the difference is more between what individuals are conscious of valuing and what they really value. What a person can verbally represent as his values does not always conform to his actual values. A person's verbal theorizing may be in advance of his overall understanding.

Damon employs the theoretical versus real-life distinction to challenge those who would separate thought from action or judgment from conduct. He correctly notes that Piaget and others consider thought to be internalized action so that judgment and action are inseparable components of knowledge.*⁶¹ But if thought and action are two aspects of a single phenomenon, then how can we account for the differences between what people say is correct behavior in their reflective moments and their overt behavior? Damon's answer is to differentiate between theoretical and real-life knowledge.

* This differs from Kohlberg who has not followed Piaget and separates moral thought from moral behavior. Kohlberg says that his "moral stages are stages of moral judgment" which deal with "verbal responses to hypothetical verbal situations."⁶² According to Kohlberg, "the word 'moral' as a philosophic or scientific concept does not refer directly to behavior."⁶³

I think that common sense normally tells us that real-life knowledge does not always "live up to" theoretical knowledge. In other words, a child may have a sophisticated understanding of right and wrong, or may have a good theoretical knowledge of how best to get along with his peers; but under the pressures of an immediate social situation may not fully employ this knowledge. . . .If this view of correct, we should often see a child's practical knowledge lagging behind his theoretical knowledge all through the course of development.⁶⁴

It seems to me that Damon is headed in the right direction. However he has missed the full complexity of the situation by not taking into account the times when a child's theoretical knowledge lags behind his practical knowledge.

Such lags can be illustrated by considering again the development of perspective-taking. Selman, exhibiting admirable scholarly caution, has occasionally been reluctant to refer to the stages of perspective-taking. This is because "certain aspects" of perspective-taking occur "earlier in natural situations than on the measures" he uses.⁶⁵ Martin Hoffman in a discussion of the development of altruism offers anecdotal evidence for the existence of a role-taking ability in the very young child.

Marcy, aged 20 months, was in the playroom of her home and wanted a toy with which her sister was playing. She asked Sara for it, but Sara refused vehemently. Marcy then paused, as if reflecting on what to do, and then began to

rock on Sara's favorite rocking horse (which Sara never allowed anyone to touch), yelling "Nice horsey! Nice horsey!" and keeping her eyes on Sara all the time. Sara came running angrily, whereupon Marcy immediately ran around Sara directly to the toy and grabbed it. Without analyzing the full complexity of Marcy's behavior, one can infer from her actions that she had deliberately set about luring her sister away from the toy. Although not yet 2 years of age, she was capable of being aware of another person's inner states that were different from her own. Although her behavior was self-serving rather than altruistic, this child demonstrated that she could take another's role; yet had she been a subject in a typical role-taking experiment it is doubtful that she could have understood the instructions, much less performed the designated role-taking response.⁶⁶

Considerable time could be spent debating whether such incidents really establish the existence of a perspective-taking ability perhaps years before it could be shown to exist on the basis of the child's verbal responses. However such incidents appear less exceptional if we consider what Piaget calls the development of "consciousness" (which could be more properly termed the development of "verbal awareness"). Piaget has found that a child is able to correctly perform many tasks for which he cannot give verbal directions or explanations. Thus a child who can correctly throw an object at a target may not be able to properly describe its trajectory or give appropriate directions on how to throw it.⁶⁷ He knows practically what he does not know on the verbal plane. This should not surprise us. Even as adults we often do not know verbally

what we know practically. A person who can ride a bicycle or play a piano may not be able to say how he does it or be able to teach others.*

If practical knowledge sometimes lags behind theoretical knowledge, the reverse is also sometimes the case. Damon's attempt to maintain the identity of thought and action by reference to a distinction between real-life and theoretical knowledge is not adequate. What we need to look at is Piaget's notion of reflective abstraction. Differences accounted for by such distinctions as those between thought and action, judgment and behavior, practical and moral orientations, and theoretical and real-life social knowledge are perhaps to be more adequately understood as arising from the process of reflective abstraction. The construction of knowledge occurs first at the sensory-motor level. In many areas, this knowledge is exceeded. But the knowledge gained on the sensory-motor level does not always simply disappear into, nor is it replaced by, the structures of later understanding. The process of re-learning on the concrete and formal operational levels what we have known on the sensory-motor, coupled with the extensions of knowledge possible on these new levels, is a very complex matter.

* This is of course the philosophical distinction between "knowing how" and "knowing that." See Gilbert Ryle, The Concept of the Mind (London: Penguin Books Ltd., 1949), Chap. 2.

e. Reflective Abstraction

Essential to the structural-developmental view is the notion that the world can be understood in increasingly adequate ways. Patterns of response characteristic of an individual change drastically in the course of development. They change in ways not attributable simply to an increase of information. Rather as an individual matures, he constructs new ways to organize information that allow greater adequacy of response. This construction can be grouped into three great periods. Each period is characterized by the availability of a specific type of understanding. Only the mature individual has access to and an organized appreciation of all three types.

According to Piaget, the three periods and types of understanding are the sensory-motor, the representative and concrete operational, and the formal operational.⁶⁸ The sensory-motor period begins at birth and lasts usually through the first eighteen months. It is characterized by the construction of a practical intelligence beginning with reflex action and ending with the development of internal representational thought. The representational and concrete operational period begins with the development of internal representation at about eighteen months. For several years, intuitive, illogical thinking predominates. Around school age the child begins to construct a logical understanding although this

understanding is relatively unsystematic and tied to concrete objects and situations. Finally beginning in early adolescence or slightly before, the individual starts the formal operational period. Here abstract and systematic thinking is achieved and the basis for mature understanding established.

These three types of understanding, particularly when the periods of development are discussed, can be viewed as simply succeeding one another. The sensory-motor gives way to the concrete operational which in turn is replaced by the formal operational. However development in fact is much more complex than this. The types are better viewed as planes or levels of understanding. What is achieved on one level has to be reconstructed on another. This reconstruction can extend understanding considerably. But while it is underway it can also interfere with understanding. Furthermore in the absence of this reconstruction, or before it is fully completed, the earlier understanding can and often does guide behavior.

For example, the scheme of the permanent object is constructed on the sensory-motor plane in infancy.⁶⁹ It is adolescence or adulthood however before understanding of its formal, geometric representation is achieved. More cogent is the experimental evidence that the infant achieves sensory-motor understandings of conservation concepts in infancy.⁷⁰

For instance, in one experiment a one-year-old child is given

a ball of clay to hold. Then it is taken from him and rolled into a different shape while he watches. Upon its return, the infant tends to misjudge its weight and his hand goes flying over his head as though he thought its increased length meant increased weight. At eighteen months, infants do not make this mistake. So it can be assumed that the infant conserves weight despite changes in shape.

Curiously when the child is able to speak at two years of age, he verbally does not conserve weight. What he understood on a sensory-motor level is not present in his verbal understanding. Even more interestingly, the verbal seems to interfere with his sensory-motor understanding. He "regresses" in his handling of the clay and makes the same mistake at two years that he did at one.⁷¹ Only gradually does the child re-acquire the understanding. By seven or eight the child is a conserver on both the sensory-motor and verbal levels. But this does not mean that his understanding of conservation is now stable. At eleven or twelve, the child often makes the same verbal error he did at age four.⁷² What happens on the sensory-motor level is so far untested.

The lack of a linear progression in the development of understanding is of great importance for us. A major reason for considering thought and action as belonging to independent domains is the discrepancy between what is said and overt

behavior. However such discrepancies may be attributable to the different types of knowledge. We may know something on the sensory-motor level we do not know on the verbal, and vice versa. There is a frequent tendency to give precedence to the verbal in ascribing knowledge to the individual. Thus when an individual gives a high-stage verbal response to a hypothetical dilemma, there is a tendency to say that his behavior lags behind what he knows is right. But this is to give undue precedence to the verbal in understanding. We do not say that a person who cannot give instructions about how to ride a bike does not "know" how to if he can get on it and pedal around the block. An individual's knowledge is composed of many different types of understandings. Occasionally, as in the development of conservation concepts, these types of understanding can actually get in the way of each other. Understandings are constructed, lost, regained, lost again, and so on. Only maturity brings a certain stability to understanding.

Piaget's account of these relationships between the different planes of understanding utilizes two notions. When he considers how the higher gains from the lower and extends understanding, he speaks of "reflective abstraction." When he considers how the higher lags behind the lower, he speaks of the development of "consciousness." This second notion can be most troublesome as consciousness's ordinary meaning of simple

awareness is not intended. Thus a child who can throw an object to hit a target but is unable to explain how he does it, is not considered to be "conscious" of the nature of his actions.⁷³ Consciousness is equated with verbal representation and awareness.

Reflective abstraction is the key notion for us. It should not be confused with abstraction proper. Reflective abstraction differs from ordinary abstraction first of all because it extracts "information from the properties of actions applied to objects, and not from the objects themselves, which is quite another matter."⁷⁴ As Piaget explains it:

To abstract a property from an action or operation, it is not enough to dissociate it from those that will be disregarded (e.g., a dissociation between the "form" to be retained and the "content" to be disregarded); the property or form thus retained must in addition be transferred somewhere, that is, on a different plane or operation. In the case of abstraction proper this question does not appear since we are dealing with a property of an object, which is assimilated by the subject. In the case of reflective abstraction, however, when the subject extracts a property or a form from actions or operations on a plane P_1 , he must then transfer it to a higher plane P_2 . . .⁷⁵

Secondly, reflective abstraction extends understanding by further construction.

. . . if a new cognitive processing is necessary on plane P_2 to assimilate the properties or forms abstracted from P_1 , this means new operations or actions on plane P_2 will be added to those on plane P_1 from which the required information was abstracted. Consequently, reflective abstraction is necessarily constructive and

enriches with new elements the structures drawn from plane P_1 , which amounts to saying it constructs new structures. This explains why the concrete operations based on sensori-motor schemes are richer than they were and why the same is true of propositional or formal operations, which are themselves based on concrete operations.⁷⁶

Reflective abstraction, for Piaget, is the "principal source of the growth of intelligence as general, logical knowledge."⁷⁷

f. Redefining Moral Development

I would now like to suggest that Piaget's notion of reflective abstraction can have significant impact on the study of the moral. I have already argued that moral development in general is primarily a process of taking others into account. How others are taken into account depends on the particular morality and its central organizing concepts. But whether or not this is correct, the extent of recapitulation or reconstruction of understanding in moral development has been overlooked. The development of perspective-taking on a dyadic level as measured by Selman's verbal dilemmas may involve a reflective abstraction to the concrete operational level of an earlier sensory-motor understanding. More definitely, the development of social system perspective-taking (as yet undiscussed) appears to involve the reflective abstraction to the formal operational level of an earlier, concrete understanding. However before I discuss this, I want to consider the

equivalent possibility as regards Kohlberg's morality of justice.

For some time now, the status of Kohlberg's higher stages of justice has been problematic. A decade ago, Kohlberg raised the possibility of viewing "Stages 4, 5, and 6 as alternative types of mature response rather than as a sequence."⁷⁸ For various reasons, Kohlberg did not find this view acceptable. However more recently it has been put forward in a modified version by Kohlberg's colleague John C. Gibbs. Gibbs has suggested that the first four stages represent a developmental sequence, while Stages 5 and 6 represent formal existential philosophies.⁷⁹ I find Gibbs' work to be very helpful, insightful, and headed in the right direction. But I suspect that he has misinterpreted Piaget on certain key points, failed to take into account the notion of reflective abstraction, and has not fully recognized the extent to which Kohlberg has confused the moral with his morality of justice as fairness.

Most helpful and insightful is Gibbs' observation that Stages 5 and 6 seem to reconstruct on a formal philosophic level the insights of Stages 2 and 3.

The social-contract ethic of orientation 5 is highly formal theory which seems to be informed by pragmatic intuitions about human social nature. The perspective-taking demands of this view are not inordinate; a priori rational people must simply temper their desires with the recognition

that others want their lives and freedom as they themselves want theirs. The social perspective-taking involved does not seem to go beyond that necessary for the natural moral stage 2. In other words, the meta-ethics of orientation 5 are those of the stage-2 rational person. The social perspective-taking of orientation 6 meta-ethics is more advanced. Here a priori rational people must be capable of moderating their immediate interests and reconstructing them into ideal or mutual sentiments. Third-person perspective-taking is the achievement underlying natural moral stage 3. The meta-ethics of orientation 6, then, is that of the stage-3 rational person.⁸⁰

I think that Gibbs is entirely correct about this except on one key point. He says the social perspective-taking of Stage 5 does not go beyond that necessary for Stage 2. But it does. In order to have a Stage 5 understanding, there must be an understanding of the nature of social systems. This is an understanding that the concrete intellect associated with Stage 2 thinking cannot attain. To understand the nature of a social system, there seems to be a need for at least "low" formal operational thinking.⁸¹ Without the ability to construct all possible combinations of relations and systematically isolate variables, understanding of social systems is not possible.

I suspect that Gibbs may have overlooked this crucial point because as Kohlberg's moral stages are presently presented, they are grouped in terms of the subject's understanding and acceptance of social conventions. I would suggest that they really should be grouped in terms of the development

of perspective-taking. The first three stages involve the development of social perspective in terms of the dyad and face-to-face relationships (i.e. family, friends, etc.). The other three stages are based on an abstract understanding of social systems. This latter group seems to reconstruct on the formal operational plane the insights of the earlier group.

Gibbs is right to note the similarities of Stage 2 and Stage 5 thinking. Both are concerned with a calculation of pragmatic and utilitarian consequences. Both are concerned with bargaining. The difference between the two is that Stage 2 operates at the concrete level of the dyad. Stage 5 operates at the abstract level of the social system. Equally Stages 3 and 6 are closely related. Both are concerned with ideal conceptions of the person. The difference is that Stage 6 formulates its ideal in terms of social systems. Gibbs has not gone on to note the similarities between Stage 1 and Stage 4, but interestingly Kohlberg has and we can. As Kohlberg points out, both stages are oriented to the sanctity of rules and the primacy of authority.⁸² The difference between the two is that Stage 4 functions in terms of social systems.

Gibbs' attention to the similarities between certain stages is engendered by a specific concern. Gibbs' concern is that Stages 5 and 6 have been found very infrequently in gathered evidence.⁸³ Only the first four stages seem to

exist universally. Accordingly he postulates a difference between the "natural" and "existential" in moral understanding.* Natural stages must meet the criteria of being "(a) necessarily gradual; (b) widely found among members of the species; and (c) achieved through processes which are spontaneous and essentially unconscious."⁸⁴ The existential does not meet these criteria and involves conscious reflection on natural moral understanding. Unfortunately Gibbs implicates Piaget in this distinction by making it depend on what he says is Piaget's notion of the natural. I believe that Gibbs, who is normally a very keen

* In a current version, Gibbs has replaced the term "natural" with "standard."⁸⁵ I have retained the earlier term because I believe that it highlights this distinction's conflict with Piaget's thinking. For Piaget, human beings in all aspects are part of the natural world. His genius has been to extend the biological metaphor to all phases of human existence. Gibbs, following J. H. Flavell, differs from Piaget in attributing a uniqueness in kind to human beings. As Gibbs says: "Thus we say that the human species is unique in having not only one but two kinds of development."⁸⁶

Piaget is going in entirely the other direction. Again and again Piaget demonstrates that features normally associated only with human symbolic systems are found elsewhere. Thus combinatorial systems are found to be a property of other than human formal operational thought.⁸⁷

A feature of Gibbs' distinction that is particularly unsatisfactory is the implication of Piaget in a notion of "existential" development. Piaget is a severe critic of phenomenology and existentialism.⁸⁸ He is at odds with those who wish to place some segment of human consciousness above genetic-epistemological considerations.

interpreter of Piaget, has erred here. His error is to not understand that many features of Piaget's formal operational period would be by his definition existential as well. Many features of the formal operational are not widely found among members of the species.⁸⁹ Furthermore they may not be essentially unconscious (not involving verbal awareness). As one researcher summarizes the evidence:

. . . schooling, because of its emphasis upon symbolic thinking, may be crucial to the development of formal thought processes, at least as measured by performance on tests of combinatorial thinking.⁹⁰

Schooling in the use of a symbol system on the order of language seems closely related to the development of formal operational thinking.

Gibbs is right that the earlier moral stages are found more widely in the world. But this may be for other reasons than those he suggests. First the concrete operational is found more widely than the formal operational. Piaget has suggested that many adults may achieve formal operations only in their specialties.⁹¹ This is supported by Kohlberg's finding that only about thirty per cent of adults completely achieve formal operations.⁹² Secondly the higher stages are defined much more specifically in terms of justice as fairness. Thus a concern for others and a willingness for self-sacrifice at the level of the dyad and in face-to-face relationships

easily falls under Stage 3. No assumption of equality of persons is required. This is not true at Stage 6. Here the assumption is that all persons are equal is explicit and required. If a person's central organizing concept is that of responsible love rather than egalitarian justice, then it is likely that his thinking would be classified at some lower stage (perhaps Stage 4 because of responsible love's connection to religious authority). Such classificatory biases would show up particularly in a paucity of persons at the higher stages.

Gibbs may also be right that the earlier stages are more spontaneous and unconscious than the higher. But the potential for misunderstanding here is very great. The infant constructing the scheme of the permanent object has to labor very diligently. Any observer of this type of infant labor would not likely consider the scheme of the permanent object to be a spontaneous and unconscious achievement in the ordinary sense of the terms. It is spontaneous only in the sense that the overwhelming majority of human infants achieve the scheme of the permanent object. It is unconscious only in the sense that the infant could not give a verbal description of how he came to establish the scheme or its nature.⁹³ Gibbs wants to separate the natural from the existential on the basis that adults operate on a formal philosophic level where the constructions of intelligence seem neither spontaneous nor

unconscious. Indeed most adults are likely to agree that thinking about the problems at their level of cognitive complexity is very hard work. But that does not mean that the higher stages have somehow exceeded the natural. Mature adult intelligence is also a product of nature. It simply may not be as finely canalized as infant and child intelligence.

With these qualifications, I want to suggest that Gibbs is correct in his view that the higher stages represent reflections on and formalizations of the earlier stages. I also think that this insight is very important in the study of moral development and behavior. However to make full use of it, it needs to be applied to the development of the moral in general. This, I have suggested, is a matter of the development of perspective-taking. An understanding of the perspectives of others perhaps must be achieved on three different planes: the sensory-motor, the concrete operational, and the formal operational.

What it means to have a perspective-taking ability at the sensory-motor level is not at all clear. I think examples such as Martin Hoffman's (see pp. 359-60) suggest a surprisingly sophisticated understanding existing at a time when verbal development and internal representation are still in their early stages. Such incidents of course are themselves open to differing interpretations. In the absence of verbal evidence of

what is occurring in the subject's mind, considerable caution is called for in interpretation. But if there is a perspective-taking ability at the sensory-motor level, what is clear is that it would be limited and enactive. In the absence of internal representation, understanding the perspective of others would imply a literal taking of the other's perspective. This suggests an avenue of investigation. If there is such a thing as sensory-motor perspective-taking, it is likely to be found through a study of imitation in the infant and young child.

When the infant imitates others, in a certain sense the infant is taking or understanding that person's perspective. Thus it is possible to attribute a perspective-taking element to the following incident reported by Piaget.

At 1; 4 (3) J. had a visit from a little boy of 1; 6, whom she used to see from time to time, and who, in the course of the afternoon got into a terrible temper. He screamed as he tried to get out of a play-pen and pushed it backward, stamping his feet. J. stood watching him in amazement, never having witnessed such a scene before. The next day, she herself screamed in her play-pen and tried to move it, stamping her foot lightly several times in succession.⁹⁴

There is no need to attribute to J. an understanding of the little boy's perspective based on this incident. J. may be doing no more than accommodating her own behavior to the indices of what she observed. However insofar as she can understand and reproduce the particular movements and emotions in

reaction to the specific situation, she has the basis for understanding the other's perspective. Indeed mature perspective-taking may be in part simply having the ability to do this in an imaginative way without overt actions.

More solid ground is reached with Selman's work on the development of the verbal understanding of other perspectives. A young child begins by being unable to differentiate between perspectives. He egocentrically assumes that everybody sees what he sees. This does not mean necessarily that he is equally egocentric in the understanding of perspectives on a sensory-motor level. As Piaget says in regard to rules:

The appearance of a new type of rule on the practical plane does not necessarily mean that this rule will come into the subject's consciousness,* for each mental operation has to be relearned on the different planes of action and of thought. There are therefore no inclusive stages which define the whole of a subject's mental life at a given point of his evolution; the stages should be thought of as the successive phases of regular processes recurring like a rhythm on the superimposed planes of behavior and consciousness.⁹⁵

The egocentrism Selman finds may be a result of the new plane of understanding the child must conquer. If the verbal can eventually enhance perspective-taking by releasing it from the demands of overt behavior, it initially can operate to make

* Verbal awareness.

the child more egocentric in understanding. What a child knows practically he can be ignorant of on the verbal level.

As the child develops, he comes to understand that others may see things differently. There are three steps from egocentrism to full perspective-taking. First the child recognizes that others may see things differently or follow different rules of interpretation from himself. This understanding is lacking because it is absolutist. The child goes from his perspective to the other's without coordination. In situations where authority is attributed to the other's perspective, the good is often defined as submission to that perspective. The absolutism of rules however begins to falter as the child understands his contribution to them. He not only understands that others have their own views, but recognizes the relativity of these perspectives. This leads him to overestimate the dependence of rules on the persons holding them. Not recognizing that validity involves more than interpersonal agreement, he treats the good as a matter of bargaining. But this is not sufficient. Validity is not a matter of going back and forth between perspectives. Validity is a matter of objectively understanding what is the case. It can perhaps best be achieved by attainment of an ideal and impersonal standpoint from which to simultaneously judge individual perspectives and all available information. The development of perspective-

taking is complete only when this ideal standpoint is reached. An initial completeness is achieved on the concrete level and involves the dyad.

My suggestion is that this basic pattern is reflectively abstracted in development onto the formal operational plane where the nature of social systems can be understood and the higher moral stages achieved. First rules are absolutized and the authority of the social system or a particular perspective is stressed in the understanding of the good. Then rules are seen as relative and the mechanisms for achieving interpersonal agreement are emphasized. Finally an ideality is attributed to certain rules which are our principles of understanding or central organizing concepts.

The principled thinker realizes that validity is neither a matter of given rules nor agreed-to rules. So he organizes his understanding by his best formulation of the nature of the good. The central organizing concepts chosen determine the particular morality. No guarantee of objective goodness is attached to the central organizing concepts utilized. Even the most mature formulation is still only a "hypothesis" in a changing world. Principled thinking is developed only in the sense that the individual can finally coordinate all information available to him without being unduly swayed by other perspectives.

In the development of perspective there seems to be a fundamental rhythm. Rules are first taken to be absolute and objectivity is stressed at the expense of personal judgment. Then the subjective dimensions of rules are apprehended and the dimension of personal assent is stressed. Finally an equilibrium situation between the demands of objectivity and subjectivity in understanding is achieved. The valid is the objectively correct in understanding. But it is through our limited understandings that the valid must be reached.

This then is what I would offer as a general definition of the moral. This rethinking of the definition of the moral and the nature of moral development in the social domain (Table V, pp. 380-81) is suggestive. What I have said is tentative. However I believe that I have stayed within the bounds of hard evidence. For instance, as Kohlberg notes:

Research evidence indicates that a person whose logical stage is only concrete-operational is limited to preconventional moral stages, Stages 1 and 2; that a person whose logical stage is "low" formal operational is limited to Stage 3; and that Stages 4 and 5 require higher formal operations (considering all possibilities, isolating variables, etc.).⁹⁶

This is roughly in line with my suggestion that the three higher stages are reflective abstractions of the three lower (or the reconstruction of perspective-taking on the level of

Table V

Towards a Redefinition of Moral Development
in the Social Domain

Level I - Enactive Perspective-taking.

At this level perspective-taking is limited to overt imitation of others. Must literally take the perspective of others in order to understand.

Stages: ?*

Level II - Concrete Perspective-taking. (The Dyad)

At this level perspective-taking is representative. Imaginatively constructs an understanding of what the other must see and feel. Perspective-taking is limited to dyadic and face-to-face relationships.

Stage 1 - Absolute Rules.

Rules are treated as absolutes. Understands that others have their own views. Alternates between his own and the other's viewpoint. Treats each view as absolute at the moment held. Submits to the other's view when he attributes authority to it. Orients to punishment and overt physical consequences.

Stage 2 - Relative Rules.

Rules are treated as relative. Understands both that others have their own views and that these views can change. Is able to self-reflectively imagine what these changes might be. Is unable to coordinate simultaneously the two perspectives. Switches back and forth trying to mediate between them by a bargaining approach. Emphasis is on interpersonal agreement and trade-offs.

* I would speculate that any differentiation of stages would be based on the infant's gradual realization that the social is different from the physical. At first infant peers seem only to be a visually exciting part of the physical environment. Efforts to be sociable are ignored. Then infants in play situations "fight" as competition for play objects occurs. Seemingly this "fighting" leads to recognition that there are others similar to the self and eventual pleasure in interaction with these others.

Table V (cont'd)

- Stage 3 - Ideal Rules.
 Rules are treated as ideal. Understands fully that others have their own views, that these views can change, and that there can be mutual understanding. A third-person perspective is achieved. Emphasis is on impersonal and ideal conceptions of relationships. Shift away from both submission of one viewpoint to another and bargaining between viewpoints. Shift to ideal expectations of others in the conduct of relationships.
- Level III - Abstract Perspective-taking. (The Social System)
 At this level perspective-taking is abstract and systematic. Not only imaginatively understands what others see, but coordinates between a multiplicity of perspectives by isolating variables and systematically considering all possible relations. Perspective-taking is in terms of social systems.
- Stage 1 - Absolute rules.
 Rules are treated as absolute and unchanging. Recognizes that different social systems and traditions have different rules. Alternates between the perspective of his own tradition and that of others. Submits to the perspective of the tradition to which he attributes authority. Sees rules as inexorable and requiring obedience. Orients to automatic imposition of penalties when rules are violated.
- Stage 2 - Relative rules.
 Rules are treated as relative. Recognizes that the validity of rules are relative to the social system they govern. Understands that rules derive their authority from the assent given to them. Identifies the giving of assent with the validity of the rules. So orients to interpersonal agreement and pragmatic consequences in the appraisal of rules.
- Stage 3 - Ideal rules.
 Rules are treated as ideal. Understands that rules differ among social systems and are relative to them. Realizes that rules can be modified by interpersonal agreement. But differentiates between surface rules which are modifiable and the principles by which these changes are governed. Achieves an impersonal perspective by orienting to principles in the guidance of behavior.

social systems).*

g. Some Benefits of an Improved Definition

I believe that the benefits of redefining the moral in the direction suggested can be substantial. First of all the moral is not equated with the verbal. The way is then clear for us to find the antecedents of what is ordinarily termed the moral in young-child, infant, and even animal behavior. Secondly the identification of the moral with rules enables us to recognize as moral those questions not directly relevant to social relationships. The construction of a character that is self-honest, industrious, etc. is a matter of rules. It is not directly a matter of justice. Thirdly, the charge of ethnocentrism is much less applicable to my definition of moral development than to Kohlberg's. Understanding others is a prerequisite for acting competently in the world whether our moral principles are those of justice as fairness (as Kohlberg would like them to be), those of responsible love, those of

* Recently Lawrence Kurdek has pointed out that moral judgment measures have low correlations with those of perspective-taking.⁹⁷ However I suspect that Kurdek's explanation as to why this is so is appropriate. Kurdek suggests that "the crux of these problems involves the global nature in which these two constructs have been conceived."⁹⁸ As increased definitional adequacy is achieved, I would expect the correlations to rise substantially.

self-interest, etc. Those who utilize a sophisticated understanding of others so as to maximize their own interests may be immoral by the standards of justice as fairness, but they are not necessarily less morally developed than those who deal fairly with others.

A fourth benefit is that the higher stages of moral development can be more adequately defined. Kohlberg has been struggling with his definition of the higher stages for the past decade. By orienting to convention in the definition of the levels of moral judgment, Kohlberg has found it difficult to classify reasoning that rejects social convention as a guide to the good and yet does not enter a "principled" phase.* This thinking is extremely relativistic. The good is interpreted as each person doing what he wanted. Kohlberg's initial reaction was to classify this thinking as a regression to Stage 2.⁹⁹

Postulating regression and jumping between distant stages as part of a normal stage sequence strikes at the very heart of structural-developmental theory. Following further consideration, the thinking has been classified at a Stage '4½'.¹⁰⁰

* The "principled" stages for Kohlberg are Stage 5 and Stage 6.

Stage 5 has been then projected upwards to be an adult, not an adolescent moral stage.¹⁰¹ As the classificatory criteria for what constitutes "principled" thinking has been made more stringent, Stages 5 and 6 have been found to be represented less and less in populations. Currently only Stage 5 exists as an empirical construct.¹⁰²

I want now to suggest that a wrong classificatory decision was made here. Instead of classifying this thinking as Stage 4½, it should be classified as Stage 5. The common feature is the relativizing of the good. As noted in my fourth chapter (p. 173), the definist's fallacy of Stage 5 is to treat the good as a matter of bargaining. At this stage, slavery can be considered morally acceptable where it has been written into the social contract.¹⁰³ But those who reason according to justice as fairness when forced to this conclusion by the logic of their position find it disquieting. Such cognitive conflict forces the individual towards Stage 6 where the facts of social agreement are judged against the ideal standards of the good and slavery is rejected even when there is societal assent.

Thinking presently classified at Stages 4½ and 5 should be classified at Stage 5 insofar as it involves a relativizing of the good. Kohlberg's grouping of Stages 5 and 6 together as "principled" stages is misguided. Only Stage 6 is principled in the sense of being rationally adequate. Stage 5 is

principled only in the sense that a form of the concept of justice is operating as a central organizer in thinking. But in this sense the lower stages are "principled" as well.*

I also want to suggest that not all judgment now scored at Stage 5 should remain there. Just as a number of judgments currently considered Stage 4 should be reclassified at Stage 5, so also considerable reasoning presently scored at Stage 5 should be moved up to Stage 6. Kohlberg's belief that Stage 6 thinkers intuit the ideal form of the good and therefore must agree on moral solutions given a common set of facts has interfered with a structural definition of Stage 6.¹⁰⁴ Stage 6 reasoning has been identified by Kohlberg with certain outcomes and particular content.

An illustration of faulty scoring is an example Kohlberg cites in several of his most important articles.¹⁰⁵ The example contains two responses given by philosophers to the dilemma of whether Heinz should steal a drug to save his wife's life.

Philosopher 1: What Heinz did was not wrong.**
The distribution of scarce drugs should be regulated by principles of fairness. In the absence of such regulations, the druggist was within his legal rights, but in the circumstances

* The two senses of "principled" were discussed in my fourth chapter. See particularly pp. 152-57.

** Heinz is assumed to have stolen the drug.

he has no moral complaint. He still was within his moral rights, however, unless it was within his society a strongly disapproved thing to do. While what Heinz did was not wrong, it was not his duty to do it. In that case it is not wrong for Heinz to steal the drug, but it goes beyond the call of duty; it is a deed of supererogation.¹⁰⁶

Another philosopher's opinion was quite different.

. . . recognition of the moral duty to save a life whenever possible must be assumed. If someone claims not to recognize this duty, then one can only point out that he is failing to make his decision both reversible and universalizable, i.e., that he is not viewing the situation from the role of the person whose life is being saved as well as the person who can save the life, or from the point of view of the possibility of anyone filling these two roles.¹⁰⁷

Philosopher 1's opinion was scored by Kohlberg at Stage 5. The latter philosopher's opinion was considered to be Stage 6. Kohlberg justifies this scoring by noting that rights and duties correlate in the latter opinion.¹⁰⁸ This is supposedly not the case with Philosopher 1's opinion. Philosopher 1 considers stealing the drug to save a life to be an act of supererogation, not a duty.

While I fully agree with Kohlberg's scoring of the latter philosopher's opinion, I cannot agree with his scoring of Philosopher 1's opinion. Philosopher 1's opinion should either be considered unscorable or Stage 6. It is Stage 6 because Philosopher 1 appeals to neither what is deemed correct

by some authority (absolute rules) nor to what is assented to (relative rules). Rather he judges Heinz's behavior in terms of an ideal conception. What that ideal conception is exactly is difficult to say in the absence of further probing. But there are several ways in which Philosopher 1's opinion could be justified.

If Philosopher 1's background morality is justice as fairness, he could claim that his conception does balance rights and duties. Stealing to save a life may not involve either a right or a duty. Philosopher 1 can justify his position by simply saying that he would not expect his wife in a similar situation to steal to save his life. Kohlberg appears not to have considered this possibility or perhaps discounts it because of his belief in the primacy of the right to life. However even for Kohlberg and Stage 6 thinking, the problem persists as to what rights correlate with what duties. As Kohlberg admits:

If the rights of every human define duties for an individual moral agent, this seems to open up the abyss of the existence of infinite and simultaneous duties to support the rights of every human being wherever he is. . . . The individual moral agent has rights, and these rights are incompatible with having duties to every right of every other. Because a human being has a right to life, other humans have a duty to save that life. The conditions under which one human being has a duty to save the life of another human being require

clarification of what it means for a "rational moral agent" to choose between conflicting duties since he cannot be an omnipotent saint.¹⁰⁹

Kohlberg never wholly clarifies the point at which the correlation of rights and duties reaches the limit of what a rational moral agent is required to do. Assumedly if Heinz is morally required to steal the drug for his wife, he is not morally required to steal food, transportation costs, and so on to feed the starving of the world. At some such divide, the correlation of rights and duties must stop. The problem is to specify exactly where that is. What Kohlberg does not note is that Philosopher 1 seems to have drawn the line at a different point from Kohlberg. Just as Kohlberg might say that stealing to feed the starving of the world is an act of supererogation, so Philosopher 1 says that stealing medicine to save a life is.

Philosopher 1's opinion would not meet Stage 6 justice-as-fairness criteria only if it could be shown that he was claiming rights for which he admitted no corresponding duties. This has not been shown. Furthermore his thinking could be considered morally mature by my criteria even if rights and duties did not correlate if his governing principle was not justice as fairness. In rational egoism, more important than the balancing of rights and duties is the protection of one's own interests. Therefore a prior question to whether Heinz

should steal to save his wife's life is whether his wife would wish such. Proponents of justice as fairness often disregard this prior question. Goal-orientation (the preservation of life) is treated as more important than human freedom (the right given each person in the state of nature to decide at what cost his life is to be lived). Philosopher 1's view that Heinz does not have a duty to steal may depend on some background belief that no such action is required by whatever protective association Heinz and his wife may have formed.

It seems unlikely that Philosopher 1's background morality could be responsible love. With such a central organizing concept, stealing to save a life would likely be regarded as a duty since acts of supererogation (doing more than expected) are duties. But whatever Philosopher 1's background morality, it seems probable that it would be found to be mature. Professional philosophers rarely have cognitively immature conceptions of the universe, moral or otherwise. They may sometimes have immoral and incorrect conceptions, but that is something else.

Kohlberg has found moral maturity to be a very rare phenomenon insofar as moral conceptions conform to his Stage 6 criteria. However I would suggest that his Platonic scoring criteria are misguided. In the age of Plato, Euclidean geometry was thought to describe the universe as it was. Only after

Riemann and Einstein was it fully recognized that the relationship between the way things are and our forms of understanding is highly problematic. The correctness of any form of understanding depends on the context of its application. It is time that this be recognized in the study of moral development. The worth of justice as fairness depends on the context of its application (i.e. to a just and well-ordered society or some close approximation thereof).

A final benefit of my definition is that appeals to God's law are no longer to be considered largely indicative of Stage 4 thinking. Kohlberg has a tendency to interpret such appeals as Stage 4.¹¹⁰ While many who make such appeals may indeed be Stage 4 thinkers, appeals to ultimate authorities (God's law, sacred texts, etc.) may represent the highest order of moral development. Depending on the religious tradition and cultural background, such references may be equivalent to Kohlberg's appeal to intuition as validating the equality and dignity of human beings and respect for them as individual persons. If Kohlberg prefers Plato's cave to Moses' burning bush, the prophet Muhammad's recitation, Lord Vishnu's frequent appearances to restore caste harmony, etc., that is his business. But a person who fully understands the perspectives of others both on the dyadic and social-system levels can still appeal to God's law as paramount if he believes that this underlies

and gives order to reality. By focusing on the development of perspective-taking, we can correctly distinguish between those who appeal to particular authority because they do not have the ability to do otherwise and those who have the ability and still appeal because reality is defined in terms of that authority. The overall worth of Kohlberg's contribution should not be denied because of ethnocentric elements in it.

ENDNOTES

- ¹ Jean Piaget, The Moral Judgment of the Child, trans. by Marjorie Gabain (New York: The Free Press, 1965), p. 13.
- ² Ibid., Chap. 1.
- ³ R. Grinder, "Parental Childrearing Practices, Conscience, and Resistance to Temptation of Sixth Grade Children," Child Development, Vol. 33, 1962, pp. 802-20.
- ⁴ Elliot Turiel, "Social Regulations and Domains of Social Concepts," New Directions in Child Development, No. 1, 1978, pp. 45-74.
- ⁵ Ibid.
- ⁶ L. Kohlberg, A. Colby, J. Gibbs, B. Speicher-Dubin, and C. Power, Assessing Moral Stages: A Manual, Part I, Introduction to the Scoring Manual (Cambridge: Harvard University, 1978), pp. 15f.
- ⁷ Piaget, The Moral Judgment of the Child, p. 398.
- ⁸ Kohlberg et al, Assessing Moral Stages: A Manual.
- ⁹ Piaget, The Moral Judgment of the Child, pp. 87 f.
- ¹⁰ Ibid., p. 87.
- ¹¹ Ibid., pp. 90f.
- ¹² Ibid., pp. 94f.
- ¹³ Ibid., Chap. 4.
- ¹⁴ Ibid., p. 53.
- ¹⁵ Ibid., p. 400.
- ¹⁶ Lawrence Kohlberg, "The Cognitive-Developmental Approach to Moral Education," in Moral Education . . . It Comes With the Territory, ed. by D. Purpel and K. Ryan (Berkeley: McCutchan Publishing Corp., 1976), p. 177.

- 17 Lawrence Kohlberg and Elliot Turiel, "Moral Development and Moral Education," in Psychology and the Educational Process, ed. by G. Lessor (Chicago: Scott, Foresman, 1971), p. 418.
- 18 Piaget, The Moral Judgment of the Child, p. 181.
- 19 Lawrence Kohlberg, "Stage and Sequence: The Cognitive-Developmental Approach to Socialization," in Handbook of Socialization Theory and Research, ed. by D. A. Goslin (Chicago: Rand McNally, 1969), p. 437.
- 20 Jean Piaget, The Origins of Intelligence in Children, trans. by Margaret Cook (New York: W. W. Norton & Co., Inc., 1952), pp. 147f.
- 21 Piaget, The Moral Judgment of the Child, p. 398.
- 22 Ibid., p. 35.
- 23 Ibid., p. 33.
- 24 Thomas Lickona, "Research on Piaget's Theory of Moral Development," in Moral Development and Behavior: Theory, Research, and Social Issues, ed. by T. Lickona (New York: Holt, Rinehart and Winston, 1976), p. 239.
- 25 Piaget, The Moral Judgment of the Child, p. 195.
- 26 Lickona, "Research on Piaget's Theory . . .," p. 240.
- 27 Kohlberg, "Stage and Sequence."
- 28 Lawrence Kohlberg, "A Cognitive-Developmental Analysis of Children's Sex-Role Concepts and Attitudes," in The Development of Sex Differences, ed. by Eleanor Maccoby (Stanford: Stanford University Press, 1966).
- 29 William Damon, "Studying Early Moral Development: Some Techniques for Interviewing Young Children and for Analyzing the Results," in Values Education: Theory/Practice/Problems/Prospects, ed. by J. Meyer, B. Burnham, J. Cholvat (Waterloo: Wilfrid Laurier University Press, 1975), p. 26.
- 30 Lawrence Kohlberg and Colleagues, Moral Stage Scoring Manual, Part I, Introduction to Interviewing and Scoring (Cambridge: Harvard University, 1975), pp. 48-49.

³¹ Dan Jaquette, "Developing Conceptions of Peer-Group Relations from Childhood Through Adolescence: A developmental social psychological approach" (Paper presented at the Convention of the Eastern Psychological Association, 1976).

³² Piaget, The Moral Judgment of the Child, p. 87.

³³ J. Gibbs, L. Kohlberg, A. Colby, B. Speicher-Dubin, "The Domain and Development of Moral Judgment: A Theory and A Method of Assessment," in Reflections on Values Education, ed. by John R. Meyer (Waterloo: Wilfrid Laurier University Press, 1976), p. 19.

³⁴ Kohlberg et al, Assessing Moral Stages: A Manual, p. 10.

³⁵ See Peter Singer, Animal Liberation (New York: Avon Books, 1977).

³⁶ John Rawls, A Theory of Justice (Cambridge: Belknap Press, 1971), p. 512.

³⁷ Stephen Toulmin, Human Understanding, Vol. I, The Collective Use and Evolution of Concepts (Princeton: Princeton University Press, 1972), p. 35.

³⁸ Piaget, The Moral Judgment of the Child, p. 398.

³⁹ Jean Piaget, "Piaget's Theory," in Carmichael's Manual of Child Psychology, Vol. 1, 3rd ed., ed. by P. H. Mussen (New York: John Wiley, 1970), p. 704.

⁴⁰ Jean Piaget, Biology and Knowledge: An Essay on the Relations Between Organic Regulations and Cognitive Process, trans. by Beatrix Walsh (Chicago: University of Chicago Press, 1967), p. 316.

⁴¹ Piaget, The Moral Judgment of the Child, p. 88.

⁴² Ibid., p. 52 n.

⁴³ T. G. R. Bower, A Primer of Infant Development (San Francisco: W. H. Freeman and Co., 1977), pp. 68-69.

⁴⁴ Piaget, The Moral Judgment of the Child, p. 251f.

45 Kohlberg et al, Assessing Moral Stages: A Manual, p. 11.

46 Michael Schleifer among others has also differentiated between Kohlberg's recommendation of a specific morality and Kohlberg's delineation of the general features of the moral. See his "Moral Education and Indoctrination," Ethics, Vol. 86, No. 2, June, 1976, pp. 154-63.

47 Robert Selman, "A Developmental Approach to Interpersonal and Moral Awareness in Young Children: Some Theoretical and Educational Implications of Levels of Social Perspective Taking," in Values Education: Theory/Practice/Problems/ Prospects, ed. by J. Meyer, B. Burnham, J. Cholvat (Waterloo: Wilfrid Laurier University Press, 1975), p. 130.

48 Ibid., p. 131.

49 Ibid.

50 Ibid., p. 132.

51 Robert Selman, "Social-Cognitive Understanding: A Guide to Educational and Clinical Practice," in Moral Development and Behavior: Theory, Research, and Social Issues, ed. by Thomas Lickona (New York: Holt, Rinehart and Winston, 1976), p. 304.

52 Ibid., p. 309.

53 e.g. Turiel, "Social Regulations and Domains," p. 45.

54 William Damon, "Some Thoughts on the Nature of Children's Social Perspectives," in Reflections on Values Education, ed. by John R. Meyer (Waterloo: Wilfrid Laurier University Press, 1976).

55 Ibid., p. 141.

56 Kohlberg et al, Assessing Moral Stages: A Manual, pp. 10-13.

57 Selman, "Social-Cognitive Understanding," p. 308.

58 Anne Colby, "Two Approaches to Moral Education," Harvard Educational Review, 45, no. 1, February, 1975, pp. 134-43.

- 59 Selman, "Social-Cognitive Understanding."
- 60 Ibid., p. 308.
- 61 Damon, "Some Thoughts . . . ," pp. 142-43.
- 62 Kohlberg et al, Assessing Moral Stages, A Manual,
p. 14.
- 63 Ibid.
- 64 Damon, "Some Thoughts . . . ," p. 144.
- 65 Selman, "A Development Approach . . . ," p. 129.
- 66 Martin L. Hoffman, "Empathy, Role-Taking, Guilt,
and Development of Altruistic Motives," in Moral Development
and Behavior: Theory, Research, and Social Issues, ed. by
T. Lickona (New York: Holt, Rinehart and Winston, 1976), p. 140.
- 67 Jean Piaget, The Grasp of Consciousness: Action and
Concept in the Young Child, trans. by Susan Wedgewood (Cambridge:
Harvard University Press, 1976), pp. 12f.
- 68 Piaget, "Piaget's Theory," p. 711.
- 69 Ibid., pp. 704-05.
- 70 T. G. R. Bower, "Repetitive Processes in Child
Development," Scientific American, Vol. 235, No. 5, Nov., 1976.
- 71 Ibid.
- 72 Ibid.
- 73 Piaget, The Grasp of Consciousness, Chap. 2.
- 74 Piaget, "Piaget's Theory," p. 728.
- 75 Ibid.
- 76 Ibid.
- 77 Hans Furth, Piaget and Knowledge (Englewood Cliffs:
Prentice-Hall, 1969), p. 259.

- 78 Kohlberg, "Stage and Sequence," p. 385.
- 79 John C. Gibbs, "Kohlberg's Stages of Moral Judgment: A Constructive Critique," Harvard Educational Review, Vol. 47, No. 1, February, 1977, pp. 43-61.
- 80 Ibid., p. 56.
- 81 Deanna Kuhn, Jonas Langer, Lawrence Kohlberg, and Norma Haan, "The Development of Formal Operations in Logical and Moral Development," Genetic Psychology Monographs, 95, 1977, pp. 155-59.
- 82 Lawrence Kohlberg, "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development," in Cognitive Development and Epistemology, ed. by T. Mischel (New York: Academic Press, 1971), p. 199.
- 83 Gibbs, "Kohlberg's Stages of Moral Judgment," p. 55.
- 84 Ibid., p. 53.
- 85 John C. Gibbs, "Kohlberg's Moral Stage Theory: A Piagetian Revision," Human Development, Preprint Obtained from the Author, 1979, Unpaginated.
- 86 Ibid.
- 87 Jean Piaget, Behavior and Evolution, trans. by Donald Nicholson-Smith (New York: Random House, Inc., 1978), pp. 122f.
- 88 Jean Piaget, Insights and Illusions of Philosophy, trans. by Wolfe Mays (New York: The New American Library, Inc., 1971).
- 89 Patricia Teague Ashton, "Cross-Cultural Piagetian Research: An Experimental Perspective," in Stage Theories of Cognitive and Moral Development: Criticisms and Applications (Cambridge: Harvard Educational Review, 1978), pp. 11-13.
- 90 Ibid., p. 21.
- 91 Jean Piaget, "Intellectual Evolution from Adolescence to Adulthood," Human Development, 15, 1972, pp. 1-12.

- 92 Kuhn et al, "The Development of Formal . . . ," p. 99.
- 93 This is the sense Piaget ascribes to the term "unconscious" in his book The Grasp of Consciousness.
- 94 Jean Piaget, Play, Dreams, and Imitation in Childhood, trans. by C. Gattegno and F. M. Hodgson (New York: W. W. Norton and Co. Inc., 1962), p. 63.
- 95 Piaget, The Moral Judgment of the Child.
- 96 Kohlberg et al, Assessing Moral Stages: A Manual, p. 12.
- 97 Lawrence A. Kurdek, "Perspective Taking as the Cognitive Basis of Children's Moral Development: A Review of the Literature," Merrill-Palmer Quarterly, Vol. 24, No. 1, pp. 3-28.
- 98 Ibid., p. 3.
- 99 L. Kohlberg and R. Kramer, "Continuities and Discontinuities in Childhood and Adult Moral Development," Human Development, 12, 1969, pp. 93-120.
- 100 Lawrence Kohlberg, "Continuities and Discontinuities in Childhood and Adult Moral Development Revisited," in Collected Papers on Moral Development and Moral Education (Cambridge: By the Author, 1973).
- 101 Ibid., p. 31.
- 102 Kohlberg et al, Assessing Moral Stages: A Manual.
- 103 Kohlberg, "From Is to Ought," p. 205.
- 104 Lawrence Kohlberg, "The Claim to Moral Adequacy of a Highest Stage of Moral Judgment (rev.)," in Essays in the Philosophy of Moral Development (Cambridge: By the Author, 1978), p. 162f.
- 105 Kohlberg, "From Is to Ought," pp. 204-13; and "The Claim to Moral Adequacy," pp. 167-68.
- 106 Kohlberg, "The Claim to Moral Adequacy," p. 167.

- 107 Kohlberg, "From Is to Ought," p. 209.
- 108 Kohlberg, "The Claim to Moral Adequacy," p. 168.
- 109 Lawrence Kohlberg, "The Claim to Moral Adequacy of a Highest Stage of Moral Judgment," The Journal of Philosophy, Vol. LXX, No. 18, 1973, p. 641.
- 110 Lawrence Kohlberg, "Moral Stages and Moralization: The Cognitive-Developmental Approach," in Moral Development and Behavior: Theory, Research, and Social Issues, ed. by T. Lickona (New York: Holt, Rinehart and Winston, 1976), p. 37.

CHAPTER VIII

CHARACTER AND ETHICS

The contextual and the structural are the two poles of cognitive experience. In the past chapters I have criticized Lawrence Kohlberg's cognitive theory of moral development with respect to both. In my estimation, Kohlberg has disregarded the importance of context. His cross-cultural work is an example of this.¹ Rather than listening closely to what the various cultures have had to say about the good, Kohlberg has assimilated their thinking to his tool of measurement. But his cross-cultural work is not the only place where Kohlberg has discounted context. Kohlberg has also assimilated all moral judgment found in Euroamerican society to justice as fairness. Kohlberg has not recognized the extent to which there are various contexts and competing alternative moralities even within his own culture.

I have suggested that Kohlberg's insensitivity to context is a result of his intuitionism and formalism. Neither of these does he share with Piaget. His intuitionism depends primarily on a Kantian deontological tradition which continues with the work of John Rawls. His formalism seems to be a result both of this deontological tradition and of a misreading of Piaget's work. This misreading of Piaget is not Kohlberg's

alone. Piaget at times tends toward formalism and has left himself open to this misreading. But it is definitely a misreading because there is for Piaget no possibility of deciding whether a judgment is equilibrated on formal properties alone and apart from a context. Piaget's formalist tendencies are always subordinated to an epistemological relativism which interprets knowledge in terms of its own construction.²

Kohlberg's underestimation of the importance of context has affected his work even at its strongest points. Kohlberg has made significant contributions to the study of moral development by analyzing the structural pole of cognitive experience with a greater sensitivity than previously attained. Where Piaget analyzed moral experience in terms of two major structurings, the heteronomous and the autonomous,³ Kohlberg has shown there to be at least six. In the achievement of moral maturity, an individual must pass through six developmental stages.⁴ However Kohlberg's insistence that mature moral reasoning agree with his formal analysis of what constitutes the good has left him without empirical representation of a highest stage of moral development for which complete rational adequacy could be claimed. No Stage 6 is found in Kohlberg's scoring manual. This leaves Kohlberg in the dubious position of implying that very few individuals outside of a Socrates or a Martin Luther King achieve moral maturity.

By criticizing Kohlberg's intuitionist and formalist views, I have tried to clear the way both for an increased appreciation of context in moral development study and a re-definition of the major structurings to be found in moral experience. I want now to reverse the order followed in the past chapters of my consideration of the two poles of cognitive experience. I want first to look at the structural pole. Here the individual must choose among the alternative moral strategies as he decides on a course of action. Some consideration is needed of the problem of consistency in moral behavior. To what extent do the major moral strategies complement each other in the life of any individual? To what extent do they conflict? If there are major alternative moral strategies, it is unlikely that any individual operates continuously throughout his life in terms of only one. In the course of this consideration, I want to suggest that the choice of a moral strategy constitutes a construction of character. This is in accord with the nature of ethics as involving the construction of character.

After briefly attending to the structural pole, I shall return to the contextual. Further consideration of the problem of ethical relativism is needed. If a choice must be made among alternative moral strategies which conflict at the pre-suppositional level, is there any criterion of adequacy available to distinguish among them? It cannot be an internal

criterion since the strategies differ at the presuppositional level. But are there any external criteria when all knowledge is interpreted in terms of its own construction?

My answer is that of the epistemological relativist. If there are external criteria, we can know them at best approximately. Our knowledge is primarily a matter of the steps of its construction. It is only secondarily a matter of conformity to objective reality. This however should not inhibit attempts to state what external criteria may exist.

Two types of external criteria particularly merit our attention. One is the familiar criterion of survival. Ethical systems which do not meet the test of ensuring survival are generally deficient. This is the type of criterion to which the anthropologist Herskovits appealed in his identification of the needs of human beings as the limits of acceptable ethical variation.⁵ However this is a very weak criterion. An abundance of competing ethical systems remain after it has been invoked. Some stronger criterion is needed.

Such a criterion has recently been suggested by Piaget. This is the criterion of "adequation."⁶ Piaget claims that "it is of the essence of behavior that it strives to improve and hence to transcend itself . . ."⁷ This means that ethical systems can be at least roughly and tentatively graded according to the degree of differentiation, integration, and openness

they exhibit. Not only is ethics a matter of equilibration or the maintenance of a stability in the face of external pressure. Also involved is a dimension of increasing adequacy. Piaget affirms no state of complete reflective equilibrium as do Rawls⁸ and Kohlberg.⁹ Rather new goals of behavior are always being formulated and old goals critically assessed as the nature of life is to extend itself.

a. The Structural

In my first chapter, I suggested that R. B. Brandt's distinction between cultural and ethical relativism could be useful when viewed as a two-part procedure. First the question of cultural relativism is to be decided and then the question of ethical relativism. Cultural relativism, it should be remembered, is the belief that "ethical judgments supported by different individuals or groups are often different and conflicting in a very fundamental way."¹⁰ Ethical relativism is the belief that these fundamental conflicts cannot always be resolved by establishing one of the opinions as correct. On the contrary, "sometimes conflicting opinions are equally valid or correct."¹¹

In order to decide the question of cultural relativism or whether fundamental disagreement exists among opposed ethical opinions, the first step is to state the premises involved.

Fundamental disagreement exists when "the principles we should have to take as a person's ethical premises, if we represented them as an ethical system" disagree.¹² Such representation helps us to distinguish between surface disagreement which can often be resolved by a clarification of the facts and fundamental disagreement which cannot.

Representation of a person's (or a group's) ethical premises as an ethical system in order to decide the question of fundamental disagreement constitutes conforming to the structuralist view of cognitive behavior. A person's ethical opinions are not considered to be independent matters able to be interpreted individually and outside a person's own framework of meaning. The framework has to be articulated so that it is clear what concerns and concepts are central. These central concepts organize and structure the peripheral concepts thereby giving some consistency or overall pattern to judgment. Thus a person's decision to be honest may depend less on his understanding and affirmation of the value of honesty than on his view of justice.¹³

Kohlberg's structuralist views are extreme. He is of the opinion that one concept, justice as fairness, organizes all moral judgment.¹⁴ In the past chapters, a number of reasons have been offered for thinking that justice as fairness does not organize moral judgment to the extent claimed by

Kohlberg. Other competing central organizing moral concepts have been suggested. Evidence has been offered for thinking that these concepts are well-represented in human populations. The task now before us is to consider how recognition of these other principles affects the structural claim.

Brandt's suggestion that we formulate a person's ethical premises as part of an ethical system is a recognition that judgments can be represented as a matter of proceeding from premises to conclusions. When rational judgments are formed, a set of axiomatic rules by which the judgments are guided and can be justified is assumed to be in the background. Thus a person observing water poured from a tall, narrow glass into a short, wide one forms and can justify his judgment of constant quantity by reference to a conservation law. In the absence of contrary evidence, judgments of constant quantity despite the transfer of water among different-shaped containers can be taken to indicate a knowledge of the conservation law.

While there is a *prima facie* case for proceeding as Brandt suggests, the extent to which judgments can be taken to be conclusions resulting from a certain set of premises becomes highly problematic in many cases. Statements can often be derived from a variety of premises or even from none at all in the case of an individual who has been "trained" (conditioned) to give a certain response. All individuals likely form some

judgments without deriving them from their central premises. Determining the extent to which this is the case is crucial for present moral development study.

Elliot Turiel is one researcher in the structural-developmental tradition currently wrestling with the problem. He has found that individuals do not reason about the smaller issues of social order (e.g. dress codes, forms of politeness, and game rules) in the same way that they do about the larger issues (e.g. stealing and killing).¹⁵ Reasoning about the smaller issues is minimally structured. Accordingly he has suggested that different domains of social reasoning are involved. The domain covering the smaller issues he terms "conventional." The other domain he considers to be the "moral."

I doubt very much that Turiel can sustain his distinction as presently constituted between the conventional and the moral. This is because he lists the issues belonging to each rather than trying to define them structurally. For instance, I suspect that in societies and contexts where dress is considered a larger issue of social order, reasoning about proprieties of dress will be found to be regulated by the same concepts involved in "moral" reasoning. Examples of such societies include Iran where Quor'ānic regulations are to be followed, the Sikhs of India where cutting of the hair is banned and certain dress required, and Hasidic Jewry. In fact

if Turiel were to frame his questions about dress codes in a manner sufficiently distant from Euroamerican customs (e.g. 'Suppose in another country there is no rule against nudity. Would it be right to wear no clothes?'), I suspect that at least some of his subjects might suddenly regard dress as a larger or "moral" issue.

If Turiel has been ethnocentric in his identification of what issues are conventional rather than moral, still his finding is important. In every society some issues are regarded as central to social order. Reasoning about these issues is likely to involve the development of perspective and structural stages as individuals interact with others and seek the good. Along with these issues are likely to be other concerns not linked as directly to the central organizing concepts. Reasoning here is likely to follow the alternating pattern Turiel has established in his subject population with regards to the peripheral ("conventional") issues of social order. Individuals alternate between assent and rejection of what society enjoins.¹⁶ Central organizing concepts or structuring principles are minimally involved.

Turiel in making his suggestion that a conventional domain must be distinguished from a moral domain in the development of social reasoning makes a case for partial systems or structures in thinking.¹⁷ Reasoning about peripheral issues

is considered to follow a radically different pattern of development from that of reasoning about central issues. Turiel therefore suggests that actual human reasoning does not entail the global structures Kohlberg and others have attributed to it.¹⁸ However Turiel's argument for partial structures has most direct relevance to a formalist context where mental structures are identified with abstract forms or essences. In my third chapter, I suggested that mental structures were a matter of family relationships. Some concepts were closely related and developed together. Others were distant and developed relatively independently. Turiel's somewhat incongruous notion of a structure or pattern which is only partial is therefore not needed. Saying this however does not really solve the problem with which Turiel is struggling. Which concepts are closely related (form a "partial structure") and which are not?

The question is key as well to deciding the issue of cultural relativism. For instance, I have suggested that justice as fairness and responsible love are to be treated equally. Responsible love enjoins the favoring of others in situations of conflict. Are justice as fairness and responsible love competing and alternative moral conceptions? Or do they possibly represent different domains of social reasoning?

It is entirely possible that justice as fairness and responsible love are not directly competing moral concepts.

As Gene Outka suggested, agapē (responsible love) has more direct relevance to intimate relationships such as friendship and families ties.¹⁹ Individuals may reason according to justice as fairness in market and political contexts while reasoning according to responsible love at home. Justice as fairness and responsible love may compete directly only in a limited number of concepts.

The imagination can always supply endless numbers of hypothetical situations where conflict may exist. What needs investigation is how people actually reason and where conflicts do arise. The empirical reality is likely to be much more complicated than presently admitted by moral development investigators. The only encouragement is that the empirical reality of how people reason is much less extensive and complicated than the realm of logical possibility. That is why empirical research is useful in the writing of a natural logic. How people actually reason and organize their social relations is one indicator of adequacy in the conduct of affairs in the real world.

I suspect that justice as fairness, responsible love, rational egoism, etc. are alternative moralities (and not complementary) at some level of experience. I would refer the reader to my fifth and sixth chapters for an account of why I believe this to be so. However I doubt that they will prove

to be alternatives at all levels of experience. Rather I would expect them to be intermixed until the final stages of development. Only at the highest stages of development is thinking sufficiently organized so as to be interpretable in terms of a dominant alternative morality.

The moral stages except for Stage 6 as presently defined by Kohlberg represent a mixture of moral strategies. For instance, a child reasoning according to Stage 2 seeks bargains in the conduct of his relations. This is due, in my view, to his relativizing of the notion of the good. As presently defined by Kohlberg, Stage 2 seems to have more rational-egoism than justice-as-fairness elements. Thus a decision not to steal to save a life may be justified by reference to lack of love for that person.²⁰ In the absence of an interest of the self to protect, there is no reason to steal the drug. No justice-as-fairness reasoning should be attributed to this judgment unless it can at least be shown that it is a precursor of such. For a Stage 2 judgment to be properly considered as involving justice as fairness, what is needed is some balancing of interests. Thus stealing for a friend now because the friend might help you later is a justice-as-fairness justification.²¹

Just as Kohlberg's Stage 2 has perhaps more rational-egoism than justice-as-fairness characteristics, so Stage 3

tends toward responsible love. Thus stealing to save a wife's life may be justified because "the children will be desolate and his family will fall apart."²² Here there is no explicit balancing of interests. The husband is to operate in the interests of the family. At least on the surface responsible-love reasoning is indicated. This is contrasted with justifying stealing because the wife "has shared a great part of herself . . ."²³ Here there is a definite pay-back and balancing element involved which is representative of justice as fairness.

Kohlberg's present scoring manual does not distinguish between the alternative moral strategies. Since Kohlberg and his colleagues have already worked more than twenty years on various editions of the scoring manual, I am reluctant to draw attention to its definitional deficiencies. On the other hand, the needed revisions may not be as great as they initially seem. If I am correct, the development of perspective is really what is allowing us to qualitatively distinguish the stages. Substantial revision of Kohlberg's lower stages may not be needed if it is found that individuals reasoning at the lower stages do not consistently operate in terms of one of the alternative moral strategies. The concrete thinker may not have the cognitive tools necessary for such consistent behavior. Rather his choice of moral strategies may depend on the particular concrete cues in each situation. In that case, a required

choice among the alternative moral strategies would be implicated only in higher-stage reasoning.

b. Ethics as the Construction of Character

From the point of view of logical possibility, the alternative moral strategies exist from the very first. Even a young child can decide whether he is going to favor himself, favor others, or try to treat everyone equally. However the lack of cognitive tools inhibits the child from following any strategy consistently. Young children can be easily swayed in their behavioral choices, and when not easily swayed, fooled or constrained. In a short span of time, a child can intentionally seek to protect his own interests (refuse to share a favorite toy), try to be fair (divide something with a friend), and make sacrifices (let a younger sibling go first). The strategy of action followed often depends less on the real interests of the child than on the external factors influencing him (parental persuasion, immediate availability of what is desired, etc.). The character of a child is extremely malleable and largely undeveloped.

The term "ethics" comes from the Greek ēthos meaning "character" or "custom." Ethics is also a matter of the pursuit of the good. In ethical study, the standards by which a person judges the good are considered. At the beginning of

development standards of good are defined in terms of the immediate situation. There is minimal goal-orientation. At maturity, there is considerable goal-orientation. This goal-orientation is largely dependent on the cognitive ability of individuals to construct or represent goals of action which can guide behavior. To be able to consistently lead one's life in terms of a chosen goal, I would suggest, is nothing other than to have a powerful and mature character. Ethical study should be concerned with how we come to consistently operate in terms of the strategies of action which we believe lead to the achievement of our dominant goals.

At the beginning of development, goal-orientation and strategies of action are not differentiated. Behavior beyond that meeting immediate needs is largely what Piaget following J. M. Baldwin has termed "autotelic."²⁴ The goal of an "autotelic" behavior is its own exercise. The infant looks for the sake of looking, handles for the sake of handling, and so on. The goals of behavior are differentiated from the action systems involved only as the notion of the object is constructed and it becomes possible to speak of intention.

It is difficult to say exactly where the dividing line between non-intentional and intentional behavior is. Piaget places it between an infant's first attempts to "make interesting sights last" and true searches for absent objects.²⁵

Attempts to sustain interesting experiences are the first signs that the infant is beginning to recognize the difference between the actions themselves and the goals of action. Search for absent objects shows undeniable intentionality in the infant. No longer is the infant restricted to responding to the immediate situation, but can organize his behavior in terms of a goal beyond it.

In my seventh chapter, I identified the beginning of the moral with the beginning of intentional behavior. Before it is possible to speak meaningfully of the moral, the goals of behavior must be differentiated from the action systems involved. Then choice among courses of action is possible with the concomitant consequence that the courses of action are graded. Some "best" course of action is selected as the one to follow in pursuit of the goal.

A major task of the developing person is to define the goals of behavior sufficiently well so that they are in accord with a rationally adequate conception of the good. As was noted in my fourth chapter, this definitional task is no easy matter. The stages of development up to Stage 6 contain errors of definition which preclude the achievement of rational adequacy. Only Stage 6 can potentially be considered rationally adequate. Yet even Kohlberg's description of Stage 6 in terms of justice as fairness may contain definitional inadequacies.

This is because a moral conception can be identified with the good only if it meets an equilibrium condition. Before justice as fairness can be considered as adequate, it must be found to satisfy the requirements of equilibrium in the actual world.

Identification and definition of the goals of behavior is a problem of great magnitude. Piagetian approaches to the definition of the goals of behavior have been criticized on the grounds of being vague and abstract.²⁶ Kohlberg as a deontologist who places questions of what is right (the strategies of action) above what is good (the goals of action) is particularly susceptible to this charge.* Kohlberg is mainly sure that the good is something that morally mature people can agree on when provided with a common set of facts.²⁸ Kohlberg is much more definite about what strategy of action is needed to achieve the goal of the good. It is justice as fairness where the self and others are to be treated equally.²⁹

The recommendation of strategies of action apart from goals has been criticized on two counts. One criticism is that the recommendations frequently contain implicit goals. This is Robert Nozick's criticism.³⁰ He suggests that justice

* Kohlberg's deontological colleague John Rawls has devoted an article specifically to the link between fairness and goodness in order to respond to such criticism.²⁷

as fairness means evaluating all action in terms of the equality of the final distribution. A second criticism is that of Edmund Sullivan who complains that Kohlberg identifies moral maturity with having no goals at all. Sullivan believes that the "Stage 6 person is the Beatles' 'Nowhere Man'." ³¹ By looking at a problem from all perspectives, a Stage 6 person risks ending up without goals. Since Sullivan criticizes Kohlberg in the same monograph for having an implicit goal of a classically liberal, atomistic society--almost the exact opposite of Nozick's interpretation of the implicit goal of justice as fairness--Sullivan doubly proves the ambiguous nature of Kohlberg's goal.

In-depth consideration of specific goals of action is beyond the scope of this dissertation. But there are two features of the formulation of goals which require mention. First of all, goals of social behavior can frequently be most attractively and compellingly stated by using figurative language. Sullivan correctly points this out and illustrates it by citing Martin Luther King's use of imagery in his campaign for racial equality. ³² But he also criticizes Piagetian approaches to the

* I cannot refrain from pointing out that one person's Nowhere Man is the next person's Utopian Man. I suggest that Sullivan give serious consideration to Nāgārjuna's *śūnyatā* (roughly "emptiness") before further discussion of the desirability of being nowhere.

moral for underrating the importance of the figurative and concrete imagery in guiding behavior. In his view, Piaget's type of approach with its emphasis on abstraction dichotomizes thought and action to the detriment of action.³³ He interprets Piaget as passing off "figurative knowledge as simply a lower form of intellectual development."³⁴

This interpretation of Piaget is not uncommon. But I think it is incorrect. It is not that the figurative is a lower form of intellectual development. The figurative is not a form of intellectual development at all. Rather it is organized in different ways by the various forms of intellectual development. The figurative receives its sense from the level of intellectual development achieved.

Figurative language and concrete imagery can represent well the goals or end-states aimed at in behavior. But representation of the end-states does not always include a knowledge of how they can be or are brought about. Importantly understanding of the transformations which lead to the end-states seemingly is established independently of the figural representation. Thus a young child has difficulty imagining the intermediate positions of a falling stick even when he knows the initial and final positions.³⁵ Mental imagery at first tends to be static. A goal or end-state can be represented before the steps leading to it. It is only as the individual

cognitively "imitates" the steps leading to the end-state and thereby establishes a transformational understanding that the figurative can significantly guide action.³⁶ Until then there is a precausal connection between the mental image of the end-state and the action sequences which generate the end-state. The consequence is that the figurative and imaginal can inspire action, but they do not at least initially lead it.

This type of evidence allows Piaget to suggest that the figurative and the imaginal is secondary to the organization of action in behavior. Piaget comments:

Perception itself may be said from this point of view to be subordinate to action to the extent that it invests objects with practical meaning. (As von Weizsacker remarked a long time ago, to perceive a house is not to see an object that is entering your eye but an object that you yourself are about to enter.)³⁷

Formulated goals of action are themselves products of the structures achieved through action. Accordingly the quality of the formulated goals depends on the quality of the organization of action. Goals guide our behavior. But they themselves are products of our action and share its general organizational characteristics. The figurative mode can help in the guidance of behavior only to the extent that it is invested with meaning by the active mode.

The second feature of the formulation of goals to be noted is really an outgrowth of the first. Since the active

mode invests the figurative with meaning, the effect of its organization on the formulation and interpretation of goals requires close attention. Specifically the difference in approach between the concrete thinker who cannot go much beyond the immediate in his conception of the good and the abstract, systematic thinker who can merits discussion.

The concrete thinker is embedded in the particular and immediate in his understanding of the good. Stages 1, 2, and 3 all identify the good by non-procedural and non-systematic criteria. Stage 1 looks at the pronouncements of authority and external, physical criteria for guidance in action. Stage 2 looks to immediate pragmatic consequences and specific agreements for guidance. Stage 3 attends to verbal labels and how people feel. With this orientation to specific and concrete indicators, a person's grasp on the good is tenuous.

For instance, the concrete thinker may be influenced by Martin Luther King's imagery to support the goal of racial equality. But where authority condemns such equality, the Stage 1 thinker is unlikely to be able to sustain his commitment. Equally a Stage 2 commitment to racial equality would likely founder where it operated against pragmatic consequences and the formation of agreements. Or a Stage 3 commitment might founder where verbal labels were used to condemn a person who dared to be different and non-discriminatory.

The individual who can reason abstractly and systematically has an anchor in his moral commitments that the concrete thinker does not have. His indicators of the good are not primarily limited to the immediate situation. They reside in an abstract authority such as a system of given laws (Stage 4), a social contract (Stage 5), or moral ideals (Stage 6). Consequently concrete indicators can be disregarded given a belief that they do not represent the larger moral reality. Thus a Stage 5 individual living in a society (e.g. South Africa) permitting racial discrimination can object that such violates the social contract (e.g. what the United Nations has affirmed) even though his more immediate social experience does not confirm this. Stage 2 conceptions oriented to concrete expressions of agreement would be much harder-pressed in an equivalent situation to maintain a commitment to racial equality.

The abstract thinker has the ability to reason systematically. This is an ability the concrete thinker lacks. The concrete thinker is guided substantially by what he finds in his immediate social environment. The abstract thinker has the cognitive tools to reflectively consider the premises on which social interactions are based and the behaviors which follow from these premises. It is for this reason I would anticipate that the various moral strategies represent true

alternatives only for the higher-stage thinker.

Stage 3 with its orientation to labels is likely to follow a mixture of moral strategies depending on what receives approval in the particular environment. In a competitive environment, a person is counseled to look after his own interests. In a caretaking environment, a person is counseled to look after the interests of others. What receives approval in each environment differs markedly. The Stage 3 thinker lacks the ability to systematically reconcile the counsels received in the two environments. How the differing counsels are reconciled depends less on meeting some test of rational consistency than on being swayed in one direction or another or accepting inconsistency.

Stage 4 conceptions, being largely freed from the influence of concrete indicators, enable the person to aim at an overall consistency of behavior. The laws or norms which Stage 4 cites as the standards by which behavior should be governed are only incidentally represented in actual legal codes. They are more centrally the premises in which consistent moral reasoning is to be conducted. There is a self-reflective character to them and verbal representation is involved. The possibility of self-consciously choosing a comprehensive moral strategy by which to conduct relations is for the first time present.

John C. Gibbs has rightly emphasized the degree to which the higher-stage thinker self-consciously chooses his moral strategy.³⁹ Unlike the concrete thinker, the person who reasons abstractly can directly confront and select his own premises. He can critically judge behaviors he finds not in accord with his own premises. The abstract thinker's major task (other than that of developing perspective) is to select the appropriate moral strategy.

The self-conscious selection of a moral strategy is not always an easy matter. There are competing claims to be considered. Also involved is the relative dominance of particular moral strategies in certain contexts. A predisposition to favor one moral strategy because of prior experience in a context where it is dominant has to be balanced by evidence that the strategy may not be appropriate for the conduct of life in other contexts. What is important to note is that the choice of the particular strategy amounts to the construction of character in that it sets the premises by which behavior is generally governed. Through the cognitive tools we construct and the premises we select, we have a hand in determining who we are.

Those such as Sullivan who emphasize the importance of the figurative in inspiring action fail to take into account how differently the figurative functions at the concrete and

abstract levels. At the concrete level, the figurative contributes to the concrete indicators which guide action. At the abstract level, self-chosen premises have a greater influence on action. The figurative can be used to represent these premises. But eventually it is the premises, not the figurative and imaginal, which must be confronted directly in moral deliberation.

The premises by which an individual decides on a course of action constitute his structuring principles. These premises are by no means just given to a person. From the time that he can formulate goals of action not contained intrinsically in his action systems, i.e. from the development of the object concept and intentional behavior, the individual can exercise an autonomy in the selection of his premises. This autonomy however is a limited autonomy as long as he is dependent on concrete indicators in his pursuit of the good. It is abstract thinking that confers the autonomy we associate with moral maturity. It is at that time we can consider the premises which govern our action directly and apart from relatively immediate situations. The abstract thinker's calculation of an equilibrium condition can extend to the universe as a whole rather than being limited to equilibrating in concrete situations.

It is also the abstract thinker who gives relevance to

the questions of cultural and ethical relativism. The concrete thinker's premises are not wholly in his hands. A distinctive and consistent logic of action may exist at the societal level. Indeed it has to if the society is to meet an equilibrium condition which allows it to survive. These premises however are not incorporated by the concrete thinker directly, but are mediated through the symbols and images of his society. The abstract thinker however can systematically isolate variables, try all possible combinations, and make consistent deductions which allows for the construction of a social system which can hypothetically meet the equilibrium condition. It is this ability which then allows the individual to meaningfully ask which premises truly conflict and whether there is any objective basis on which to grade those that do.

c. The Contextual

In many respects the nature of the structural may be easier to establish than the contextual. The structural pole is a matter of the strategies of action which can be followed in the world. Utilizing such techniques as dilemma interviewing, the investigator can determine the degree to which each subject is aware of the various strategies, which he prefers, and how mature his understanding of each is (how developed his perspective-taking skills are). The contextual

is another matter.

Elizabeth Léonie Simpson has succinctly stated some of the questions to be answered in an investigation of the contextual nature of the strategies.

If we wish to understand the actual process of the moral, what concerns us is how these are used, by whom (the old? the male? the sick? the married?) and when.⁴⁰

These are all questions minimally investigable under controlled conditions. The more cognitively mature the subject population and the less trivial the task, the more difficult it is likely to be to exclude biasing factors. Overt action is often uninterpretable without knowing the conceptual framework behind it. This means that the investigator must have some way of getting at the reasons for the action. Yet in an environment where the investigator has sufficient control (authority) to get at the reasons, his very control has a potential biasing effect. Particularly a person who operates in terms of self-interest may be reluctant to openly admit such a motivation in certain situations.

Naturalistic study of moral judgment and behavior is needed. Moral judgment and action are highly contextual matters. It is not enough to establish the uniformity of restricted responses to limited questions and identify this uniformity as the all-encompassing structure of moral judgment.

The representative nature of this uniformity has to be shown. This can be done only by identifying the various types of situations or contexts normally encountered, who encounters them, and when. The match of strategies of action to context can then be considered.

As a start, I would hypothesize a correspondence between economic, political, and domestic contexts, and the respective strategies of rational egoism, justice as fairness, and responsible love. In the economic sphere, a person is considered to be the best judge of his own interests. An equilibrium condition is supposedly achievable by allowing individuals to pursue their own interests and letting a pricing mechanism operate. In the political sphere, individuals are asked to look beyond their own interests. Achievement of a stable society supposedly depends on the society being a guardian of all its citizens. Sometimes this may mean limiting individual initiative and advantage in the interest of the less able or richly endowed members and society as a whole. In the domestic sphere, responsibility and sacrifice are often required. The age range alone usually means that skills vary greatly. The integrity and stability of the unit is maintained by those who are more able showing responsibility for those who are less so.

None of us of course exist apart from these three

contexts. We are all economic, political, and domestic creatures. If my hypothesis is correct, this means that there is a predisposition towards a different moral strategy in each context. Only empirical research can show the degree to which the respective strategies are and remain context-specific. However it is clear that even if there is a predisposition towards a complementarity of strategies based on the distinctness of the contexts, the question of conflict or complementarity cannot be so easily decided. The three contexts I have noted overlap. The question of justice in the political sphere, for instance, can hardly be dealt with separately from what is permitted in the economic. Equally the domestic involves both political and economic issues.

One way in which conflicts can be consistently resolved is by appeal to a moral strategy which has been extended from its natural home in one of the contexts to society as a whole. This seems to be what usually happens in moral discussion. Kohlberg orients to the concepts of justice as fairness. In doing so, he extends concepts and procedures perhaps best fitted to the political sphere to the economic and domestic. Nozick in his orientation to pricing and market mechanisms as the model or metaphor for how human relationships should be governed behaves similarly. He takes concepts from the economic sphere and extends them to the political and domestic.

Equally it could be said that much Christian teaching and the morality of responsible love takes concepts best fitted to the domestic sphere and extends them to the political and economic.

Such extension of concepts is an outgrowth of the abstract thinker's demand for consistency. As the abstract thinker detaches himself from concrete indicators in his pursuit of the good, he relies on a set of self-chosen premises to guide him. He sets his goals in terms of these premises and attempts to follow them whatever the pressures of the immediate situation. Predispositions to behavior not in accord with the central premises are increasingly brought under control and integrated into a general moral strategy. Immediate inclination has less of an influence on behavior than reasoned argument and rationales in accord with the chosen central premises. There is the overall consistency of behavior in accord with self-chosen goals which marks the existence of a powerful and mature character.

If I am correct, the question of ethical relativism largely depends on the extent to which one of the competing moralities discussed in this dissertation (or perhaps one not mentioned) can rightly claim that it should provide the fundamental moral assumptions for all persons. For instance, if justice-as-fairness' claim were sustained, then pursuit of self-interest in the economic sphere would ultimately be

limited by a social-contract balancing of interests without consideration of personal identities. The two other moral strategies would function as subsidiaries to and within the limits set by justice as fairness. In cases of conflict, justice as fairness would provide the final standard by which solutions could be tested for adequacy.

The demand of the abstract thinker for consistency and the case against ethical relativism both require a set of fundamental premises. Otherwise there is irresolution and inconsistency where premises conflict. However if the basic demand of the abstract thinker is for a set of premises applicable to all problems and capable of providing the most adequate solutions, this does not mean that this demand can presently be satisfied. The abstract thinker differs from the concrete by not having to accept considerable inconsistency in his moral behavior. Yet it may be--given the limits on knowledge--that the abstract thinker must accept some inconsistency in the search for the good.

Some light can perhaps be shed on this by considering a notion Stephen Toulmin set forth while trying to settle the prior and more general question of epistemological relativism. Toulmin's concern was with what constituted scientific truth when conceptual systems are continually being revised. It could not be correspondence of scientific systems and their

premises to the real since history clearly shows that such systems and premises have been changed and improved over time. Nor can scientific truth be identified with particular empirical findings as these are given significance by the system to which they belong. Toulmin has therefore suggested that scientific truth is largely a matter of "localized pockets of logical systematicity."⁴¹

Scientific disciplines seemingly constitute areas of knowledge where rigorous logical systematicity prevails. According to Toulmin, such systematicity can be achieved across the breadth of a discipline often only at the cost of sterility. An authoritative conceptual system in a scientific discipline is frequently at its richest when it is constituted by localized pockets of logical systematicity. In localized areas, it is possible to maintain a tight fit between theoretical explanation and empirical description. When rigorous consistency is sought in general theory, it is often at the cost of some evidence which does not fit easily. Yet general theory cannot be avoided as it provides the standards which separate what is significant and worthy of attention from what is not.

Toulmin is concerned with scientific truth. His "localized pockets of logical systematicity" where truth claims are strongest because of the tight fit between theoretical explanation and empirical finding exist within scientific

disciplines. But I think that it is possible to fruitfully apply his notion to our present consideration. I would suggest that the moral strategies in what I have envisioned as their most natural contexts can be viewed as constituting localized pockets of logical systematicity. There is a reasonably tight fit between the strategy of rational egoism and an economic context, justice as fairness and a political context, and responsible love and a domestic context. Obviously a lower order of systematicity is involved here than that of theories composing a scientific discipline. But I do suspect that there is a "pocket" or distinctness of context corresponding to each moral strategy.

For instance, Nozick has successfully made the point that a person operating according to justice-as-fairness criteria would likely be a bad businessman.⁴² This is because the person would be oriented to maintaining a certain pattern of distribution even at the cost of what it takes to optimize production. Such a businessman would have to be continually monitoring the real interests of his customers to make certain that they did not buy more from him at a higher price than they should. This monitoring would be unwieldy and costly.

Nothing has yet been discovered that so efficiently allocates goods in a complex society as price. Yet a society grounded entirely on market mechanisms is not necessarily

stable. The accumulations of wealth which come about seemingly militate against political stability as those without recognize that they have the numbers and the power to redistribute. In the political domain, persons are able to maintain an equality of position more easily and efficiently than in the economic. Political rights and duties are not accumulable in the same way as wealth. The mechanism of transfer and balance accepted in the economic sphere is usually rejected in the political. A person is not allowed to buy votes as he does cars. The difference in the rules of the two spheres likely means that a different strategy of action is favored in each.

If we grant for a moment the correspondence of strategies to contexts so that success in each is measured by a different strategy, the question of how to resolve conflicts remains. It is much easier to grant the appropriateness of the strategy of rational egoism to economic matters than to political or domestic. The reverse situations are also true. Tightness of fit between strategy and context is lost when the issue of appropriate general strategy is raised. The central terms of each strategy are extended with an accompanying simultaneous gain in range of applicability and loss of tightness of fit. The domestic counsel 'Be your brother's keeper' comes to depend on the question 'Who is my brother?'. The political counsel 'All should be treated equally' comes to

depend on the question 'What really is equal treatment given the disparity of aims?'. Even the economic counsel 'Maximize your own interests' comes to depend on the question 'Is not the welfare of others necessarily implicated in the maximization of self-interest?'.

This loss of tightness of fit is what makes the issue of ethical relativism so pressing. Real moral dilemmas exist at the interface of moral strategies and languages. Compelling arguments can often be adduced for conflicting behaviors by following the differing premises which have been found applicable and worthwhile in their primary contexts. Yet the argument against ethical relativism denies the equal validity or correctness of conflicting ethical opinions even when the rationales for them seem to be equally well-grounded. This is where Toulmin's notion of localized pockets of logical systematicity can aid us.

Toulmin believes that in recent history there has been a tendency to conceive of the true in terms of elegantly-stated, general conceptual systems.⁴³ While these systems have to be in accord with concrete experience, in Toulmin's view they themselves do not contribute significantly to an ongoing investigative enterprise. Rather they misrepresent the search for truth by making it seem a matter of a logically consistent system of statements about a subject which has been

confirmed or otherwise accepted by a body of authoritative investigators. They even inhibit the search by requiring that all parts of the system be regarded equally. As in logico-mathematical systems, if some part is rejected then all others lose authority as well. The remaining concepts are no longer able to meet the requirements of consistency and coherence necessary to constitute a system. An ideal of abstract systematicity has been set in regards to the true.

Toulmin wants to reshape this image of what constitutes the true. Instead of the true being identified primarily in terms of the end-products of the search, the search itself needs to be highlighted. As Toulmin says:

Questions of 'rationality' are concerned, precisely, not with the particular intellectual doctrines that a man--or professional group--adopts at any given time, but rather with the conditions on which, and the manner in which, he is prepared to criticize and change these doctrines as time goes on.⁴⁴

The actual search for the truth is conducted in a piecemeal manner which the articulation of its results as an abstract system of general premises and deductive conclusions belies.

The search for the true lacks systematicity. Solving important problems is rarely a matter of proceeding from relevant premises to resulting solutions. The premises themselves require scrutiny as to propriety and applicability. When the

true is identified in terms akin to that of a logico-mathematical system, it is an all-or-nothing matter. You can prove something within a system, but the premises themselves cannot be examined. They are either accepted or rejected. However in actual investigation there is a middle way. Those premises most crucially involved in the problem can be given special attention. Holding fast to some premises and some parts of the conceptual domain, others can be questioned. When the time comes, this stance can be changed. Premises recently subjected to critical examination become the fixed points from which those premises not previously in question can be examined. In this way eventually all premises and derived solutions can be considered. Yet there is never a time when competing premises and conflicting solutions are declared to be equally valid. The standpoint in the conceptual domain from which the particular premise is being criticized provides the premises and measure by which solutions can be judged.

This idea of a piecemeal search for the true is particularly helpful when combined with the notion of localized pockets of logical systematicity. Starting from those contexts where the fit between conceptual organizers and experience is tightest, solutions to the problems encountered can be formulated. They can then be critically assessed according to views from other parts of the conceptual domain. Various

types of criticism derived from differing premises can be taken into account. The limits of solutions derived from each set of premises can in this way be discerned.

For instance, Nozick's feeling that it is an "eldritch tale" to speak about the ownership of children by their parents ⁴⁵ indicates something about the limits of the terms he uses in elaborating his philosophic system. It is consistent with his premises to speak about the ownership of children. Yet he clearly feels uncomfortable with it. Feelings of discomfort are not enough to disprove the worth of the philosophic system or set its exact limits. But they do serve as warnings that the limits of the metaphorical extension of the concepts may have been reached.* A look at the applicability of other premises may be in order.

Mature individuals have the cognitive tools necessary for the formulation and following of a consistent ethical system derived from self-chosen premises. Each individual can claim some degree of approximation to what is true for his

* In Nozick's particular case, the feelings of discomfort seem to have been justified. As I tried to point out in my sixth chapter, the notion of ownership of children by their parents and society undermines the same freedom of the individual which Nozick is so concerned with protecting. Nozick makes many valuable points in his philosophic presentation, but there are limits to his system.

ethical system. By borrowing concepts from his tradition and enriching what he has borrowed with the lessons of personal experience and reflection, the individual has a substantial basis for his claims. Yet there is no reason to think that any presently-formulated ethical system approximates what is true and real any more closely than presently-existing scientific systems. We need to pursue truth with an honest recognition of how far our formulations may fall short. In this way the pursuit of systematicity is balanced by the recognition that systematic formulations are in need of continual revision in the light of problem cases and new findings.

When the piecemeal nature of the search for the true is recognized, the question of ethical relativism declines in importance. Conflicting ethical opinions whose relative validity cannot be easily decided because of derivation from different premises seem less threatening. This is because any person's or ethical system's grasp on the truth is seen to be partial. Solutions not in accord with present premises but which have appeal can generate reconsideration of what is accepted. Some new, perhaps more adequate construction can then occur.

The structural pole of cognitive experience is oriented towards the achievement of consistency. With development the individual attempts to organize his world in an increasingly

powerful and extensive manner. More general rules (principles) are devised. Yet even the most powerful structurations fail to take into account the full complexity of the contextual. By concentrating exclusively on the worth of consistency and systematicity in formulations, the search for a better understanding can be compromised. Frequently it is better to admit the limits of present understanding than to discard what is not in accord with it.

d. Survival and Adequation

Kohlberg has argued for the moral adequacy of a highest stage of moral judgment.⁴⁶ I believe that it is entirely appropriate to do this as it constitutes part of the ongoing construction of knowledge. The difficulty arises when a highest stage of moral judgment is identified with final or complete adequacy. Then further construction may be inhibited rather than encouraged. The way to avoid this is to recognize that adequation is the controlling feature of moral judgment, not adequacy.

Adequation--perhaps the most recent of Piaget's neologisms⁴⁷--is the process by which behavioral patterns are differentiated and integrated in response to a particular aspect of the environment. Moments of adequacy exist when differentiated and integrated behavior patterns are sufficient

to deal with what is met in experience. But these moments of adequacy or stability exist within a process of adequation or improving of behavior patterns in conformity with experience. Adequation is an open-ended process where behavior patterns reach out to the universe in the attempt to meet the pressures of existence. By increasing the repertory of possible compensating behaviors, organisms become less susceptible to specific changes in the environment.

I have suggested that the different moral strategies exist first as predispositions to certain behaviors in specific contexts. I have also suggested that the abstract thinker in his search for definitional adequacy and consistency tends to use some one of the moral strategies as his fundamental standard. Since the strategy selected differs between persons and traditions, there is the kind of philosophic debate in which Nozick, Rawls, and others engage. As no one ethical system seems to contain all truth, the abstract thinker may do best to temper his demand for consistency and systematicity with humility and not place too much confidence in any single formulation. Saying all this however indicates very little about the general requirements which all ethical systems must meet and by which they can be graded. The only requirement discussed has been that of stability or equilibrium. Yet this requirement is ambiguous.

Ethical systems need to satisfy the criterion of equilibrium. In my fifth and sixth chapters, all the alternative moralities were seen to contain implicit or explicit claims of stability, equilibrium, or balance. When other ethical systems were criticized, it was often in terms of the system having some feature militating against equilibrium and balance. For instance, Gilligan's complaint was that Kohlberg's conception of moral maturity with its emphasis on autonomy rather than responsibility and care was "out of balance."⁴⁸ But what exactly is this criterion of balance or equilibrium?

Viewed from the inside it is Rawls' state of reflective equilibrium where the best conception is chosen after considering the various competing notions.⁴⁹ From the outside the nature of this state is not as clear. In one sense the criterion of equilibrium is no more than survival.* Ethical systems or behaviors which survive are in a minimal sense in equilibrium. The demands of action are sufficiently met so that the ethical system continues to be used. Without users, the question of the adequacy of the patterns of behavior loses its relevance and sense.

* This is not meant in the sense of individual survival. It is obvious that individuals often sacrifice themselves in the pursuit of the good. Individual identity is unimportant here. It is the survival of the behavior system that is one indicator of its worth.

The fact that behavioral patterns survive or continue to be used is not an entirely trivial indicator of their worth. It is estimated that 99.9% of all species which have ever lived are now extinct.⁵⁰ Over the course of time many patterns of behavior have assumedly been tried and by the standard of survival been found wanting. But it is also the case that the crucial questions which animate human moral discussion can rarely be decided by such a gross indicator. Unless a human behavioral strategy leads to nuclear annihilation or Jonestown, the criterion of survival is likely to have little winnowing effect. Many seemingly arbitrary behavior patterns have existed and continue to exist. If they cease to exist, their cessation is not necessarily an indicator of inadequacy. It would need to be shown that such cessation was the result of the behavior pattern itself. Otherwise it can be reinvented and perhaps found worthwhile in some other circumstance.

A more intriguing sense of equilibrium is contained in Piaget's notion of adequation. According to Piaget, behavioral systems can be graded according to the degree of differentiation, integration, and openness they exhibit.⁵¹ This conclusion was reached by considering the diversity and complexity of behavioral systems in existence and asking how these features can be explained.

One way is that of the neo-Darwinist who invokes the

mechanisms of random variation and selection. But these mechanisms amount to little more than survival which has just been criticized as a gross indicator imposing only rough limits on what exists. These mechanisms do not explain very well why there should be such a diversity of highly refined and complex behavioral systems.

The difficulty of accounting for a high degree of organization has been recognized as one of the severest tests of naturalistic theories since the time of Charles Darwin. Darwin himself wrote:

To suppose that the eye, with all its inimitable contrivances for adjusting the focus to different distances, for admitting different amounts of light, and for the correction of spherical and chromatic aberration, could have been formed by natural selection, seems, I freely confess, absurd in the highest degree.⁵²

If the existence of complex organs presents explanatory difficulties for the mechanisms of random variation and selection, in Piaget's view even greater difficulties exist in the explanation of complex behaviors.

Intricate behavior patterns which are inborn stretch neo-Darwinist explanatory schemes to the limit. It is hard to see how random variation and selection can explain such behaviors as that of a dog which demonstrates submission by rolling over and baring its neck to its adversary and then

depends on the adversary's inhibitions for survival. There is a matching of behavior patterns to a degree which makes appeal to the mechanisms of random variation and selection suspect.

Many such matching behavior patterns are found among animals ranging from mammals to fish. Mating dances, intra-specific fighting, feeding of the young, etc. all involve the existence of coadapted behaviors. To make such coadapted behaviors either wholly or even mainly a result of random variations is to deal in very low orders of probability. In consequence Piaget suggests the existence of an alternative mechanism. This mechanism is organizational or autoregulative.⁵³

Piaget does not attribute conscious design of intricate behavior patterns to dogs and other animals. Rather he attributes a logic of action which operates on a transindividual basis and has many features normally associated only with mature human intelligence. For instance, a feature of mature human intelligence is the ability to try all possible combinations of factors when faced with a problem in order to arrive at the most adequate solution. In Piaget's view, this feature of organization also exists in certain other species. However it exists on a physical rather than mental basis.⁵⁴

Without stating exactly what this physical basis is, Piaget suggests individual organisms when faced with a problem try different solutions within the species' reaction norm (range

of possible behaviors) until an adequate solution is found. Helped along by the criterion of survival (but not determined by it), the species then establishes this solution as its behavioral norm.

In all, Piaget enumerates seven main processes of the logic of behavioral systems which operate on a transindividual basis.* Each of the processes is analogous to and reflected in some feature of human intelligence. By means of them, the intricate instinctual behaviors found in many animal species are constructed. Alongside a "variational" evolution is an "organizing" evolution.⁵⁶

The importance of Piaget's neo-Lamarckianism and psychobiological speculations for this dissertation lies in his belief that our rationality is an internalization and individualization of the logic found in transindividual behavioral systems. Whereas other species have to physically try out possible solutions to problems, mature human intelligence has the cognitive tools to reflect on possible solutions and work out their implications abstractly. The importance of instinct declines as human beings have the ability to

* The main processes are anticipations, generalizations, intrinsic and extrinsic combinatorial systems, compensations, complementary reinforcements, and constructive coordinations.⁵⁵

reestablish the appropriate behavior patterns individually and reflectively. Ethical instruction and debate take over from instinct in the guidance of behavior.

This is the point at which equilibrium viewed internally in the manner of Rawls (i.e. in his state of reflective equilibrium⁵⁷) links up with equilibrium looked at externally. The standards of rationality governing ethical discussion appear to be reflective abstractions of the natural logic of behavior which operates transindividually in other animal species. By studying how ethical discussion develops and proceeds we learn about the logic of life itself. According to Piaget, this logic is first a logic of process and interaction and only secondarily a logic of forms.

The fact that the logic of action is the logic of life makes questions such as 'Why be moral?' lack importance.⁵⁸ One cannot live and not be moral. The significant question for those who continue with us (suicide always being an exercisable option--but one which leads nowhere if not integrated into a larger behavioral system) has to do with the quality of action. The quality of systems of action can perhaps be graded according to the degree of differentiation, integration, and openness they exhibit.

The only directionality plainly evident in evolution is from the simple to the complex. This leads Piaget to claim

that "it is of the essence of behavior that it strives to improve and hence to transcend itself . . ." ⁵⁹ Life faces a world to be occupied. But it is a world with no exact limits of occupation. Different forms of life evolve to occupy the various ecological niches available. In turn, new ecological niches are created and defined by the organisms which come to occupy them. ⁶⁰ There is an efflorescence of life forms.

With the development of the central nervous system, this efflorescence was channeled inwards. ⁶¹ Human beings with the most advanced central nervous systems have created the most extensive ecological niche(s) of any single species. By differentiating and integrating the range of possible behaviors, human beings have penetrated the ocean depths and outer space. Such spatial extension is of course hardly a sufficient indicator of the worth of a behavioral system. Other factors and dimensions (e.g. longevity) are involved.

As it now stands, the determinants of what behaviors are worthwhile are largely cultural. By constructing internal representations of the universe, the problems encountered are as much a product of these representations as of the external universe. In order to give a detailed account of the good, the characteristics and premises of these cultural systems must be studied. But there is no reason to think that these cultural systems cannot also eventually be graded according to

the features of differentiation, integration, and openness which determine the viability of other behavioral systems. Differentiation allows a fineness of response to the particular problems faced. Integration allows an appropriateness of response by central control of choice among the various possibilities. Openness allows for construction of new behaviors when the range of old responses is not sufficient to meet the challenge.

Grading of behavioral systems in terms of these characteristics should proceed with caution. This is particularly true of the ethical systems represented in the major cultural traditions. A presumption of worth must exist for those behavior patterns which have merited the loyalty of numerous people over generations. Accordingly, answers are difficult to give to the particular problem (e.g. the propriety of wearing the veil) encountered by the investigator who moves from one cultural tradition to another.

What can be more easily graded are the various ethical stages from childhood to adulthood. The moralities of childhood tend to lack differentiation and integration. With development these deficiencies can be attenuated. But there is never a time when it can be said that our ethical systems are sufficiently differentiated and integrated so that openness and new constructions are no longer needed. Even the most

mature have deficiencies of character here and there.

The real Socratic wisdom is the lesson Socrates drew from the Delphic oracle's pronouncement that he was the wisest living man. In Socrates' words:

. . . in actual truth it seems to me that the god only is wise and that in this oracle he says that human wisdom is of little or no worth. And apparently he speaks of Socrates here and takes me as an example by using my name, just as if he should say: 'that man among human beings is most wise who like Socrates has learnt that in reality his wisdom is worth nothing'.⁶²

The worth of a constructivist philosophy is not merely to be judged by the constructions it has achieved, but also the constructions which lie ahead. Apprehension of the ideal form of the good is a goal to be reached under present epistemological conditions only as a mathematical limit is reached, which is to say never.

ENDNOTES

¹ Elizabeth Léonie Simpson, "Moral Development Research: A Case Study of Scientific Cultural Bias," Human Development, Vol. 17, 1974, pp. 81-106.

² Jean Piaget, Biology and Knowledge: An Essay on the Relations between Organic Regulations and Cognitive Processes, trans. by Beatrix Walsh (Chicago: The University of Chicago Press, 1967), p. 362.

³ Jean Piaget, The Moral Judgment of the Child, trans. by Marjorie Gabain (New York: The Free Press, 1965).

⁴ Lawrence Kohlberg, "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development," in Cognitive Development and Epistemology, ed. by T. Mischel (New York: Academic Press, 1971).

⁵ Melville Herskovits, Man and His Works (New York: A. A. Knopf, 1948).

⁶ Jean Piaget, Behavior and Evolution, trans. by Donald Nicholson-Smith, Pantheon Books (New York: Random House, Inc., 1978).

⁷ Ibid., pp. 142-43.

⁸ John Rawls, A Theory of Justice (Cambridge: Belknap Press, 1971), p. 49.

⁹ Lawrence Kohlberg, "The Claim to Moral Adequacy of a Highest Stage of Moral Judgment (rev.)," in Essays in the Philosophy of Moral Development (Cambridge: By the Author, 1978).

¹⁰ R. B. Brandt, Value and Obligation: Systematic Readings in Ethics (New York: Harcourt, Brace & World, 1961), p. 433.

¹¹ Ibid.

¹² R. B. Brandt, Ethical Theory (Englewood Cliffs: Prentice-Hall, 1959), p. 103.

13 M. Brown, K. Feldman, S. Schwartz, and A. Heingarter, "Some Personality Correlates of Conduct in Two Situations of Moral Conflict," Journal of Personality, 37, no. 1, 1969.

14 Kohlberg, "From Is to Ought," p. 232.

15 Elliot Turiel, "Social Regulations and Domains of Social Concepts," New Directions in Child Development, No. 1, 1978, pp. 45-74.

16 Ibid., p. 61.

17 Elliot Turiel, "The Development of Social Concepts: Mores, Customs, and Conventions," in Moral Development: Current Theory and Research, ed. by David J. DePalma and Jeanne M. Foley (Hillsdale: Lawrence Erlbaum Associates, Publishers, 1975), pp. 9-11.

18 Turiel, "Social Regulations."

19 Gene Outka, Agape: An Ethical Analysis (New Haven: Yale University Press, 1972).

20 L. Kohlberg, A. Colby, J. Gibbs, B. Speicher-Dubin, and C. Powers, Assessing Moral Stages: A Manual, Part Three, Form A Reference Manual (Cambridge: Harvard University, 1978), p. 85.

21 Ibid., p. 15.

22 Ibid., p. 32.

23 Ibid., p. 33.

24 Jean Piaget, Play, Dreams and Imitation in Childhood, trans. by C. Gattegno and F. M. Hodgson (New York: W. W. Norton & Company, Inc., 1962), p. 90.

25 Jean Piaget, The Origins of Intelligence in Children, trans. by Margaret Cook (New York: W. W. Norton & Company, Inc., 1963), Chaps. III & IV.

26 Edmund Sullivan, Kohlberg's Structuralism: A Critical Appraisal (Toronto: The Ontario Institute for Studies in Education, 1977).

- 27 John Rawls, "Fairness to Goodness," Philosophical Review, Vol. 84, 1975, pp. 536-54.
- 28 Kohlberg, "The Claim to Moral Adequacy (rev.)."
- 29 Ibid.
- 30 Robert Nozick, Anarchy, State, and Utopia (New York: Basic Books, Inc., 1974).
- 31 Sullivan, Kohlberg's Structuralism, p. 21.
- 32 Ibid., pp. 23-25 particularly.
- 33 Ibid.
- 34 Ibid.
- 35 Jean Piaget, "Piaget's Theory," in Carmichael's Manual of Child Psychology, Vol. 1, 3rd ed., ed. by P. H. Mussen (New York: John Wiley, 1970), p. 718. See Jean Piaget and Barbel Inhelder, Mental Imagery in the Child: A Study of Imaginal Representation, trans. by P. A. Chilton (London: Routledge & Kegan Paul, 1971), for a fuller discussion.
- 36 Ibid.
- 37 Piaget, Biology and Evolution, p. 153.
- 38 Piaget, "Piaget's Theory," p. 711.
- 39 John C. Gibbs, "Kohlberg's Stages of Moral Judgment: A Constructive Critique," Harvard Educational Review, Vol. 47, No. 1, February, 1977, pp. 43-61.
- 40 Simpson, "Moral Development Research," p. 86.
- 41 Stephen Toulmin, Human Understanding, Vol. 1: The Collective Use and Evolution of Concepts (Princeton: Princeton University Press, 1972), p. 128.
- 42 Nozick, Anarchy, State, and Utopia, pp. 198-204.
- 43 Toulmin, Human Understanding, Vol. 1, particularly pp. 52-130.

- 44 Ibid., p. 84.
- 45 Nozick, Anarchy, State, and Utopia, p. 290.
- 46 Kohlberg, "The Claim to Moral Adequacy (rev.)."
- 47 Piaget, Behavior and Evolution, p. 28.
- 48 Carol Gilligan, "In a Different Voice: Women's Conceptions of Self and of Morality," Harvard Educational Review, Vol. 47, No. 4, Nov., 1977, p. 482.
- 49 Rawls, A Theory of Justice, pp. 48-51.
- 50 Richard C. Lewontin, "Adaptation," Scientific American, Vol. 239, No. 1, Sept., 1978, p. 213.
- 51 Piaget, Biology and Knowledge, pp. 122-25 & 356 f.
- 52 Charles Darwin as quoted in Lewontin, "Adaptation," p. 213.
- 53 Piaget, Biology and Knowledge, pp. 354-55 and Behavior and Evolution.
- 54 Piaget, Behavior and Evolution, p. 113.
- 55 Ibid., Chapter Seven.
- 56 Ibid., p. 152.
- 57 Rawls, A Theory of Justice, pp. 48-51.
- 58 Lawrence Kohlberg, "Continuities and Discontinuities in Childhood and Adult Moral Development Revisited," in Collected Papers on Moral Development and Moral Education (Cambridge: By the Author, 1973), pp. 54-55.
- 59 Piaget, Behavior and Evolution, pp. 142-43.
- 60 Lewontin, "Adaptation," p. 215.
- 61 Piaget, Behavior and Evolution, pp. 142-45.
- 62 Plato, "The Apology of Socrates," in Plato: Socratic Dialogues, trans. and ed. by W. D. Woodhead (Toronto: Thomas Nelson and Sons, Ltd., 1953), p. 39.

EPILOGUE

The general aim of this dissertation has been to contribute to the ongoing investigation of moral judgment and behavior by making suggestions as to how Lawrence Kohlberg's definition of the moral can be improved. Two suggestions are perhaps most important. The first is that moral development should no longer be defined exclusively in terms of justice as fairness. There are other moral principles which can equally claim to represent the good. In Euroamerican society, the principles of responsible love and rational egoism constitute real alternatives to justice as fairness. Moral maturity should be equated with a rationally adequate understanding of whichever moral principle the individual uses to organize his behavior.

The second suggestion is that the moral is the logic of intentional action. Each individual in seeking to behave competently in the world constructs rules of behavior which enable him to do this. In the social domain, competent behavior depends on the development of perspective-taking. Perspective-taking is the ability to consider a situation from differing viewpoints and integrate the information so obtained. This develops according to a fundamental rhythm. First rules or viewpoints are treated absolutely. Then they are relativized as their diversity is recognized and the person attempts

to coordinate among them. Finally they are idealized as this coordination is achieved. When this idealizing occurs on the formal operational plane, rationally adequate judgments of the good are possible. Moral maturity, in my estimation, is nothing other than the ability to form rationally adequate judgments of the good. If people with developed perspective-taking abilities have different conceptions of the good, this is because we live in an epistemologically relative and limited world. It is not because there is a further developmental step to take.

If these two suggestions are adopted, I firmly believe that a better understanding of moral judgment and behavior can be achieved. This holds for non-verbal infant and childhood behavior. But their adoption is crucial to a better definition of the highest stages of moral judgment. It is my view that the lack of empirical representation for Kohlberg's highest stages of moral judgment is a direct result of defining Stage 6 exclusively in terms of justice as fairness and Stage 5 in terms of a postconventional moral orientation. Stage 6 should be enlarged to include other ideal moral principles. Stage 5 should be defined in terms of a relativizing of the notion of the good. Moral judgment presently scored at Stage 4½ would then be seen to belong to Stage 5 or the stage intermediate between the absolutizing and the idealizing of the notion of the good.

I shall not recapitulate what I have said in the dissertation beyond this. The reader is referred to my Introduction if he wishes a brief summary. Now I want to consider the implications of my suggestions for future research.

This dissertation is largely analytical and theoretical. This is in keeping with the nature of many of Kohlberg's claims. Particularly his definition of the highest developmental stages and his definition of the moral are philosophic. Given this, I suspect that only philosophic argument is likely to overturn or extend a number of my suggestions. However anyone wishing to operate in a genetic-epistemological disciplinary tradition needs to have a high regard for empirical evidence. If philosophic argument points the way, only experience can determine worth.

I think it is highly unlikely that Kohlberg can continue to posit his highest stages as presently constituted as part of a moral development sequence. John C. Gibbs' proposal that there are two kinds of development, one natural or standard and the other existential, has been offered as a solution to this problem of lack of empirical representation of the highest stages.* My fear is that if Gibbs' proposal is

* See pp. 368-74 for a discussion of Gibbs' views.

accepted, Piaget's biological paradigm for the study of behavior will be severely compromised. Rationally adequate notions of the good will not be considered natural or standard. Human behavior will be bifurcated into a developmental period where the relationship to environment determines the worth of premises and a period removed from natural considerations.

I believe that a better way to resolve the problem is suggested in this dissertation. I firmly believe that the lack of empirical representation of the highest stages can be traced directly to the inadequacies of their definition. In order to sustain this belief however, empirical proof is needed. A first step is to construct moral dilemmas for which a justice-as-fairness solution is not the obvious one. These would be dilemmas where there is no easy balancing of rights and duties.* The test of Kohlberg's equation of the moral with justice-as-fairness reasoning is whether other moral languages of equal cognitive complexity would be found in the responses given to these dilemmas.

Based on a preliminary and uncontrolled gathering of responses to such dilemmas, I have little doubt that other moral languages of equal complexity to justice as fairness do

* Examples of such dilemmas are given in the notes on pp. 234 and 281-82.

exist. This can be seen even by going to Kohlberg's scoring manual and asking whether justice-as-fairness conceptions are necessarily implicated in the protocols given. I personally have found many examples of what appears to be rational-egoism or responsible-love reasoning. Such mixture provides an important cautionary note to the future investigator. Moral dilemmas may influence the choice of a language of response. But it seems unlikely that the choice is dictated by the dilemma. Even Kohlberg's justice-as-fairness dilemmas generate responses in the languages of rational egoism and responsible love. Indeed the scoring of such responses at lower moral stages seems to be one reason for the lack of empirical representation of the highest stages.

Once the existence of other languages is established, the next task is to determine the pattern of their use. How connected are the languages to the particular dilemma faced? How much is the use of a particular language a matter of individual moral style? In order to answer these questions, justice-as-fairness, responsible-love, and rational-egoism dilemmas could be administered to the same person so as to establish the consistency of use of a particular language. Also worth noting would be the stage of development achieved on each dilemma. A person who uses a variety of moral languages may not demonstrate a constancy of developmental stage

in each. A person, say, with a domestic orientation may show advanced responsible-love reasoning, while lagging behind in justice-as-fairness and rational-egoism conceptions.

This raises the whole question of context. Kohlberg has been able to avoid the question of context by equating the moral with justice as fairness. With proof of the existence of alternative languages and strategies in the moral domain, the question of relationship to context becomes crucial. A first requirement would be to show the relationship of moral strategy to context. Who uses what strategy? How is it used? When is it used?

Naturalistic study of the moral domain can perhaps provide the most comprehensive and detailed answers to these questions. However there is a less arduous way to begin. It seems reasonable to suppose that in a population differential patterns of use of the alternative moral languages can be established by presentation of dilemmas. For instance, students preparing for business careers might well be found to use more rational-egoism language in response to dilemmas than students preparing for careers in the helping professions such as social work or parish ministry. Establishing such differences would help confirm the connection of moral language to context.

Many questions depend on what answers are given to these first questions. For instance, the importance of an

individual's desire for consistency in moral behavior can be properly evaluated only after the societal norms for relationship of strategy to context have been determined. There is considerable reason to think that most people will have an initial acquaintance with and make some use of the differing moral strategies and languages dependent on the dilemma faced. If the strategies were entirely context-dependent, then the structured nature of moral experience would be placed in doubt. The extent to which a person resists using the language most closely tied to a particular dilemma or context in favor of his dominant moral language is a measure of the demand for consistency or structure in the world.

If there are numerous questions remaining in the investigation of moral judgment and behavior in a Euroamerican context, the answers to be given can be regarded as building substantially on the findings of Kohlberg and his colleagues. This is much less true of cross-cultural research. Too often Kohlberg and his colleagues have proceeded without regard for the indigenous moral language. This makes their findings of limited worth. Undetermined is the extent to which the language of their investigative tools approximates anything in use.

I would like to suggest that cross-cultural research begin again with regard for the indigenous moral language, what the moral dilemmas of that culture really are (e.g. in

Iran dress appears to be a "moral" issue in every sense), and what strategies of action are involved as premises in the indigenous moral language. I am enough of a Piagetian to expect that considerable uniformity will be found in human moral judgment and behavior throughout the world. But I do not expect that this uniformity will be found to conform to Euro-american, liberal conceptions of the good. I do not expect morally mature people to agree on what is good. Just as there is a diversity of character among animal species, I suspect that there is a diversity of character within the human species among the various major cultural traditions. This however is yet to be shown.

BIBLIOGRAPHY OF WORKS CITED

Authored or Coauthored by Lawrence Kohlberg

- Gibbs, J., Kohlberg, L., Colby, A., Speicher-Dubin, B. "The Domain and Development of Moral Judgment: A Theory and A Method of Assessment." Reflections on Values Education. Ed. by John R. Meyer. Waterloo: Wilfred Laurier University Press, 1976.
- Kohlberg, Lawrence. "The Child as a Moral Philosopher." Psychology Today (Sept., 1972), pp. 25-27.
- _____. "The Claim to Moral Adequacy of a Highest Stage of Moral Judgment." The Journal of Philosophy, Vol. LXX, No. 18 (October 25, 1973), pp. 630-46.
- _____. "The Claim to Moral Adequacy of a Highest Stage of Moral Judgment (rev.)." Essays in the Philosophy of Moral Development. Cambridge: By the Author, 1978.
- _____. "A Cognitive-Developmental Analysis of Children's Sex-Role Concepts and Attitudes." The Development of Sex Differences. Ed. by Eleanor Maccoby. Stanford: Stanford University Press, 1966.
- _____. "The Cognitive-Developmental Approach to Moral Education." Moral Education ... It Comes with the Territory. Ed. by D. Purpel and K. Ryan. Berkeley: McCutcheon Publishing Corp., 1976.
- _____. "Continuities and Discontinuities in Childhood and Adult Moral Development Revisited." Collected Papers on Moral Development and Moral Education. Cambridge: By the Author, 1973.
- _____. "Education for Justice: A Modern Statement of the Platonic View." Moral Education. Introduction by N. F. and T. R. Sizer. Cambridge: Harvard University Press, 1970.
- _____. "Foreward." Readings in Moral Education. Ed. by Peter Scharf. Minneapolis: Winston Press, Inc., 1978.

- Kohlberg, Lawrence. "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development." Cognitive Development and Epistemology. Ed. by T. Mischel. New York: Academic Press, 1971.
- _____. "The Future of Liberalism as the Dominant Ideology of the West." Essays in the Philosophy of Moral Development. Cambridge: By the Author, 1978.
- _____. "Moral Psychology and the Study of Tragedy." Collected Papers on Moral Development and Moral Education. Cambridge: By the Author, 1973.
- _____. "Moral Stages and Moralization: The Cognitive-Developmental Approach." Moral Development and Behavior: Theory, Research and Social Issues. Ed. by Thomas Lickona. New York: Holt, Rinehart and Winston, 1976.
- _____. "Revisions in the Theory and Practice of Moral Development." New Directions in Child Development, No. 2 (1978), pp. 83-87.
- _____. "Stage and Sequence: The Cognitive-Developmental Approach to Socialization." Handbook of Socialization and Research. Ed. by D. A. Goslin. Chicago: Rand McNally, 1969.
- Kohlberg, L., Colby, A., Gibbs, J., Speicher-Dubin, B., and Power, C. Assessing Moral Stages: A Manual. Cambridge: Harvard University Press, 1978.
- _____. Assessing Moral Stages: A Manual, Part I, Introduction to the Scoring Manual. Cambridge: Harvard University Press, 1977.
- Kohlberg, Lawrence and Colleagues. Moral Stage Scoring Manual, Part 1, Introduction to Interviewing and Scoring. Cambridge: Harvard University Press, 1975.
- Kohlberg, Lawrence and Elfenbein, Donald. "The Development of Moral Judgments Concerning Capital Punishment." American Journal of Orthopsychiatry, 45 (4), (July, 1975), pp. 614-40.

Kohlberg, Lawrence and Elfenbein, Donald. "Moral Judgments About Capital Punishment: A Developmental-Psychological View." Essays in the Philosophy of Moral Development. Cambridge: By the Author, 1978.

Kohlberg, L., and Kramer, R. "Continuities and Discontinuities in Childhood and Adult Development." Human Development, 12 (1969), pp. 93-120.

Kohlberg, L., Scharf, P., Hickey, J. "The Justice Structure of the Prison--A Theory and an Intervention." The Prison Journal, Vol. I, No. 2 (Autumn-Winter, 1972), pp. 3-14.

Kohlberg, Lawrence and Turiel, Elliot. "Moral Development and Moral Education." Psychology and the Educational Process. Ed. by G. Lessor. Chicago: Scott, Foresman, 1971.

Kuhn, D., Langer, J., Kohlberg, L., Haan, Norma S. "The Development of Formal Operations in Logical and Moral Judgment." Genetic Psychology Monographs, 95, 1977.

Authored or Coauthored by Jean Piaget

Inhelder, Barbel and Piaget, Jean. The Early Growth of Logic in the Child: Classification and Seriation. Trans. by E. A. Lunzer and D. Papert. New York: W. W. Norton & Co., Inc., 1964.

_____. The Growth of Logical Thinking from Childhood to Adolescence: An Essay on the Construction of Formal Operational Structures. Trans. by A. Parsons and S. Milgram. New York: Basic Books, 1958.

Piaget, Jean. Behavior and Evolution. Trans. by Donald Nicholson-Smith. Pantheon. New York: Random House, Inc., 1978.

_____. Biology and Knowledge: An Essay on the Relations between Organic Regulations and Cognitive Processes. Trans. by Beatrix Walsh. Chicago: The University of Chicago Press, 1971.

- Piaget, Jean. Genetic Epistemology. Trans. by Eleanor Duckworth. New York: W. W. Norton & Co., Inc., 1970.
- _____. The Grasp of Consciousness: Action and Concept in the Young Child. Trans. by Susan Wedgewood. Cambridge: Harvard University Press, 1976.
- _____. Insights and Illusions of Philosophy. Trans. by Wolfe Mays. Meridian. New York: The New American Library, Inc., 1971.
- _____. The Moral Judgment of the Child. Trans. by Marjorie Gabain. New York: The Free Press, 1965.
- _____. "Piaget's Theory." Carmichael's Manual of Child Psychology, Vol. 1. 3rd ed. Ed. by P. H. Mussen. New York: John Wiley, 1970.
- _____. The Origins of Intelligence in Children. Trans. by Margaret Cook. New York: W. W. Norton & Co., Inc., 1952.
- _____. Play, Dreams and Imitation in Childhood. Trans. by C. Gattegno and F. M. Hodgson. New York: W. W. Norton & Co., Inc., 1963.
- _____. The Psychology of Intelligence. Trans. by Malcolm Piercy and D. E. Berlyne. London: Routledge & Kegan Paul, 1947.
- _____. Structuralism. Trans. by Chaninah Maschler. London: Routledge & Kegan Paul, 1971.
- Piaget, Jean and Inhelder, Bärbel. Mental Imagery in the Child: A Study of Imaginal Representation. Trans. by P. A. Chilton. London: Routledge & Kegan Paul, 1971.

Works in Psychology

- Ashton, Patricia Teague. "Cross-Cultural Piagetian Research: An Experimental Perspective." Stage Theories of Cognitive and Moral Development: Criticisms and Applications. Cambridge: Harvard Educational Review, 1978.

- Bower, T. G. R. A Primer of Infant Development. San Francisco: W. H. Freeman and Co., 1977.
- _____. "Repetitive Processes in Child Development." Scientific American, Vol. 235, No. 5 (Nov., 1976), pp. 38-47.
- Brown, M., Feldman, K., Schwartz, S., Heingarter, A. "Some Personality Correlates of Conduct in Two Situations of Moral Conflict." Journal of Personality, 37, No. 1 (1969).
- Brown, Roger and Herrnstein, Richard J. Psychology. Boston: Little, Brown, and Co., 1975.
- Colby, Anne. "Two Approaches to Moral Education." Harvard Educational Review, 45, no. 1 (February, 1975), pp. 134-43.
- Damon, William. The Social World of the Child. San Francisco: Jossey-Bass Publishers, 1977.
- _____. "Some Thoughts on the Nature of Children's Social Perspectives." Reflections on Values Education. Ed. by John R. Meyer. Waterloo: Wilfred Laurier University Press, 1976.
- _____. "Studying Early Moral Development: Some Techniques for Interviewing Young Children and for Analyzing the Results." Values Education: Theory / Practice / Problems / Prospects. Ed. by J. R. Meyer, B. Burnham, & J. Cholvat. Waterloo: Wilfred Laurier University Press, 1975.
- Elkind, David. "Editor's Introduction." Six Psychological Studies. By Jean Piaget. New York: Random House, 1967.
- _____. "Piagetian and Psychometric Conceptions of Intelligence." Stage Theories of Cognitive and Moral Development: Criticisms and Applications. Cambridge: Harvard Educational Review, 1978.
- Erikson, Erik H. Identity: Youth and Crisis. New York: W. W. Norton & Co., Inc., 1968.
- Flavell, John H. The Developmental Psychology of Jean Piaget. New York: D. Van Nostrand Co., 1963.

- Flavell, John H. and Wohlwill, Joachim F. "Formal and Functional Aspects of Cognitive Development." Studies in Cognitive Development: Essays in Honor of Jean Piaget. Ed. by D. Elkind and J. H. Flavell. New York: Oxford University Press, 1969.
- Furth, Hans G. Thinking Without Language: Psychological Implications of Deafness. New York: The Free Press, 1966.
- Gibbs, John C. "Kohlberg's Moral Stage Theory: A Piagetian Revision." Human Development, Preprint obtained from the Author (1979), unpaginated.
- . "Kohlberg's Stages of Moral Judgment: A Constructive Critique." Harvard Educational Review, Vol. 47, No. 1 (February, 1977), pp. 43-61.
- Gilligan, Carol. "In a Different Voice: Women's Conceptions of Self and of Morality." Harvard Educational Review, Vol. 47, No. 4 (Nov., 1977), pp. 481-517.
- Grinder, R. "Parental Childrearing Practices, Conscience, and Resistance to Temptation of Sixth Grade Children." Child Development, 33 (1962), pp. 803-20.
- Hartshorne, H. and May, M. A. Studies in the Nature. Vol. 1: Studies in Deceit. New York: Macmillan and Co., Inc., 1928.
- Hoffman, Martin L. "Empathy, Role-Taking, Guilt, and Development of Altruistic Motives." Moral Development and Behavior: Theory, Research, and Social Issues. Ed. by T. Lickona. New York: Holt, Rinehart and Winston, 1976.
- Hunt, J. McV. "The Impact and Limitations of the Giant of Developmental Psychology." Studies in Cognitive Development: Essays in Honor of Jean Piaget. Ed. by D. Elkind and J. H. Flavell. New York: Oxford University Press, 1969.
- Inhelder, Barbel and Sinclair, Hermine. "Learning Cognitive Structures." Trends and Issues in Developmental Psychology. Ed. by P. Mussen, J. Langer, and M. Covington. New York: Holt, Rinehart and Winston, 1969.

- Jaquette, Dan. "Developing Conceptions of Peer-Group Relations from Childhood through Adolescence: A Developmental Social Psychological Approach." Paper Presented at the Convention of the Eastern Psychological Association, 1976.
- Kurdek, Lawrence A. "Perspective Taking as the Cognitive Basis of Children's Moral Development: A Review of the Literature." Merrill-Palmer Quarterly, Vol. 24, No. 1, pp. 3-28.
- Lickona, Thomas. "Research on Piaget's Theory of Moral Development." Moral Development and Behavior: Theory, Research, and Social Issues. Ed. by T. Lickona. New York: Holt, Rinehart and Winston, 1976.
- Parikh, Bindu S. Moral Judgment Development and its Relation to Family Environmental Factors in Indian and American Urban Upper Middle Class Families. Unpublished Doctoral Dissertation, Boston University, 1975.
- Pinard, Adrien and Laurendeau, Monique. "'Stage' in Piaget's Cognitive-Developmental Theory: Exegesis of a Concept." Studies in Cognitive Development: Essays in Honor of Jean Piaget. Ed. by D. Elkind and J. H. Flavell. New York: Oxford University Press, 1969.
- Rest, James R. "The Hierarchical Nature of Moral Judgment: A Study of Patterns of Comprehension and Preference of Moral Stages." Journal of Personality, 41 (1973), pp. 86-109.
- . "Recent Research on an Objective Test of Moral Judgment: How the Important Issues of a Moral Dilemma Are Defined." Moral Development: Current Theory and Research. Ed. by D. J. and J. M. Foley. Hillsdale: Lawrence Erlbaum Associates, Publishers, 1975.
- Ruma, E. H. and Mosher, D. L. "Relationship between Moral Judgment and Guilt in Delinquent Boys." Journal of Abnormal Psychology (1967), pp. 122-27.
- Saltzstein, H. D., Feldman, K. A., Brown, M. E., Heingarter, A. "Moral Judgment and Conformity Behavior." Developmental Psychology, 7 (1972), pp. 327-36.

- Selman, Robert. "A Developmental Approach to Interpersonal and Moral Awareness in Young Children: Some Theoretical and Educational Implications of Levels of Social Perspective Taking." Values Education: Theory / Practice / Problems / Prospects. Ed. by J. Meyer, B. Burnham, J. Cholvat. Waterloo: Wilfred Laurier University Press, 1975.
- _____. "Social-Cognitive Understanding: A Guide to Educational and Clinical Practice." Moral Development and Behavior: Theory, Research, and Social Issues. Ed. by T. Lickona. New York: Holt, Rinehart and Winston, 1976,
- Simpson, Elizabeth Léonie. "Moral Development Research: A Case Study of Scientific Cultural Bias." Human Development, Vol. 17 (1974), pp. 81-106.
- Turiel, Elliot. "The Development of Social Concepts: Mores, Customs, and Conventions." Moral Development: Current Theory and Research. Ed. by David dePalma and Jeanne M. Foley. Hillsdale: Lawrence Erlbaum Associates, Publishers, 1975.
- _____. "Developmental Processes in the Child's Moral Thinking." Trends and Issues in Developmental Psychology. Ed. by P. Mussen, J. Langer, M. Covington. New York: Holt, Rinehart and Winston, 1969.
- _____. "Social Regulations and Domains of Social Concepts." New Directions for Child Development, 1 (1978), pp. 45-74.
- White, Burton L. "The Initial Coordination of Sensorimotor Schemas in Human Infants--Piaget's Ideas and the Role of Experience." Studies in Cognitive Development: Essays in Honor of Jean Piaget. Ed. by D. Elkind and J. H. Flavell. New York: Oxford University Press, 1969.

Works in Philosophy

- Ayer, A. J. The Foundations of Empirical Knowledge. London: Macmillan & Co., Ltd., 1940.

- Bambrough, Renford. "Universals and Family Resemblances." Wittgenstein: The Philosophical Investigations. Ed. by George Pitcher. London: Macmillan & Co., Ltd., 1966.
- Bidney, David. "The Concept of Value in Modern Anthropology." Anthropology Today. Ed. by Sol Tax. Chicago: The University of Chicago Press, 1962.
- Brandt, R. B. "Ethical Relativism." The Encyclopedia of Philosophy. Vol. 3. Ed. by Paul Edwards. New York: Macmillan Publishing Co., Inc., 1967.
- _____. Ethical Theory. Englewood Cliffs: Prentice-Hall, 1959.
- _____. Value and Obligation: Systematic Readings in Ethics. New York: Harcourt, Brace & World, 1961.
- Feinberg, Joel. "Rawls and Intuitionism." Reading Rawls: Critical Studies of A Theory of Justice. Ed. by Norman Daniels. New York: Basic Books, Inc., 1974.
- Feldman, Carol and Toulmin, Stephen. "Logic and the Theory of the Mind." Nebraska Symposium on Motivation, 1975. Ed. by D. Levine. Lincoln: University of Nebraska Press, 1975.
- Frankena, W. K. "The Naturalistic Fallacy." Studies in the Philosophy of G. E. Moore. Ed. by E. D. Klemke. Chicago: Quadrangle Books, Inc., 1969.
- Furth, Hans G. Piaget and Knowledge: Theoretical Foundations. Englewood Cliffs: Prentice-Hall, 1969.
- Giarelli, James. "Lawrence Kohlberg and G. E. Moore on the Naturalistic Fallacy." Educational Theory, 26 (4) (1976), pp. 348-54.
- Hare, R. M. The Language of Morals. New York: Oxford University Press, 1952.
- Harrison, Jonathan. "Ethical Objectivism." The Encyclopedia of Philosophy. Vol. 3. Ed. by Paul Edwards. New York: Macmillan Publishing Co., Inc., 1967.

Hudson, W. D. Ethical Intuitionism. Toronto: The Macmillan Co., 1967.

_____. Modern Moral Philosophy. London: Macmillan and Co., Inc., 1970.

McIntyre, Alasdair. A Short History of Ethics. New York: The Macmillan Co., 1966.

Moore, G. E. "A Defense of Common Sense." Philosophical Papers. New York: The Macmillan Co., 1959.

_____. Principia Ethica. Cambridge: Cambridge University Press, 1903.

Nozick, Robert. Anarchy, State, and Utopia. New York: Basic Books, Inc., 1974.

Olsen, Robert G. "Deontological Ethics." The Encyclopedia of Philosophy. Vol. 2. Ed. by Paul Edwards. New York: Macmillan Publishing Co., Inc., 1967.

Outka, Gene. Agape: An Ethical Analysis. New Haven: Yale University Press, 1972.

Peirce, Charles S. "Questions Concerning Certain Faculties Claimed for Man." Charles S. Peirce: The Essential Writings. Ed. by Edward C. Moore. New York: Harper & Row, Publishers, 1972.

Peters, R. S. "Why Doesn't Lawrence Kohlberg Do His Homework?" Moral Education ... It Comes with the Territory. Ed. by D. Purpel and K. Ryan. Berkeley: McCutcheon Publishing Corp., 1976.

Prichard, H. A. "Does Moral Philosophy Rest on a Mistake?" Moral Obligation: Essays and Lectures. New York: Oxford University Press, 1949.

Rawls, John. A Theory of Justice. Cambridge: The Belknap Press, 1971.

_____. "Fairness to Goodness." Philosophical Review. Vol. 84 (1975), pp. 536-54.

- Schleifer, Michael. "Moral Education and Indoctrination." Ethics, No. 2 (June, 1976), pp. 154-67.
- Sharma, I. C. Ethical Philosophies of India. Rev. & ed. by S. M. Daugert. New York: Harper & Row, 1965.
- Singer, Peter. Animal Liberation. New York: Avon Books, 1975.
- Stace, W. T. The Concept of Morals. New York: Macmillan Publishing Co., Inc., 1937.
- Stevenson, Charles L. Fact and Values: Studies in Ethical Analysis. New Haven: Yale University Press, 1963.
- Sullivan, Edmund. Kohlberg's Structuralism: A Critical Appraisal. Toronto: The Ontario Institute for Studies in Education, 1977.
- Thayer, H. S. "Pragmatism." The Encyclopedia of Philosophy. Vol. 6. Ed. by Paul Edwards. New York: Macmillan Publishing Co., Inc., 1967.
- Toulmin, Stephen. Human Understanding. Vol. 1: The Collective Use and Evolution of Concepts. Princeton: Princeton University Press, 1972.
- Waddington, C. H. The Ethical Animal. Phoenix Books. Chicago: The University of Chicago Press, 1960.
- Wittgenstein, Ludwig. The Blue and Brown Books. New York: Harper & Row, Publishers, 1965.
- _____. Notebooks 1914-1916. Ed. by G. E. M. Anscombe and G. H. von Wright. Trans. by G. E. M. Anscombe. Oxford: Basil Blackwell, 1961.
- _____. Philosophical Investigations. Trans. by G. E. M. Anscombe. Oxford: Basil Blackwell, 1968.
- Wolff, Robert Paul. Understanding Rawls: A Reconstruction and Critique of A Theory of Justice. Princeton: Princeton University Press, 1977.

Other Works

Basham, A. L. The Wonder That Was India: A Survey of the Culture of the Indian Sub-Continent Before the Coming of the Muslims. New York: Grove Press, Inc., 1954.

Béteille, André. "Caste in a South Indian Village." Social Inequality: Selected Readings. Ed. by André Béteille. New York: Penguin Books, 1969.

_____. Castes: Old and New--Essays in Social Structure and Social Stratification. Bombay: Asia Publishing House, 1969.

Beyer, Barry K. "Conducting Moral Discussions in the Classroom." Social Education (April, 1976), pp. 194-202.

The Bhagavad-Gītā. Trans. by R. C. Zaehner. New York: Oxford University Press, 1969.

Chomsky, Noam. Language and Mind. Enlarged Edition. New York: Harcourt, Brace, Jovanovich, 1972.

Cohn, Bernard S. India: The Social Anthropology of a Civilization. Englewood Cliffs: Prentice-Hall, Inc., 1971.

Connick, C. Milo. Jesus: the man, the mission, and the message. 2nd Edition. Englewood Cliffs: Prentice-Hall, Inc., 1974.

Dawkins, Richard. The Selfish Gene. New York: Oxford University Press, 1975.

de Bary, Wm. T. (ed.). Sources of Indian Tradition. Vol. I. New York: Columbia University Press, 1958.

Dumont, Louis. Homo Hierarchicus: The Caste System and Its Implications. London: Granada Publishing Ltd., 1972.

Hamm, Cornel M. "The Content of Moral Education or 'The Bag of Virtues'." Canadian Society for the Study of Education Yearbook. Vol. 2: The Teaching of Values in Canadian Education, 1975.

Herskovits, Melville. Man and His Works. New York: A. A. Knopf, 1948.

_____. "The Statement on Human Rights." American Anthropologist, XLIX (1947), pp. 539-43.

The Laws of Manu. Trans. by George Böhler. New York: Dover Publications, Inc., 1969.

Lewis, Oscar. Village Life in Northern India: Studies in a Delhi Village. New York: Random House, 1958.

Lewontin, Richard C. "Adaptation." Scientific American, Vol. 239, No. 3 (Sept., 1978), pp. 212-29.

Moskowitz, Breyne Arlene. "The Acquisition of Language." Scientific American, Vol. 239, No. 5 (Nov., 1978), pp. 92-108.

Neisser, Ulric. "The Process of Vision." Image, Object, and Illusion. San Francisco: W. H. Freeman and Co., 1974.

Niebuhr, H. Richard. Christ and Culture. New York: Harper & Row, 1951.

_____. The Purpose of the Church and Its Ministry. New York: Harper & Row, 1956.

Plato. "The Apology of Socrates." Plato: Socrates Dialogues. Trans. and ed. by W. D. Woodhead. Toronto: Thomas Nelson and Sons, Ltd., 1953.

Srinivas, M. N. Religion and Society Among the Coorgs of South India. London: Oxford University Press, 1952.

Wiesel, Elie. Night. Trans. by Stella Rodway. New York: Avon Books, 1960.

Wilson, Edward. On Human Nature. Cambridge: Harvard University Press, 1978.

Wilson, Edward O. Sociobiology: The New Synthesis. Cambridge: The Belknap Press, 1975.

