Abstraction and Justification in Moral Theory

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Ethicists of care have objected to traditional moral philosophy's reliance upon abstract universal principles. They claim that the use of abstraction renders traditional theories incapable of capturing morally relevant, particular features of situations. I argue that this objection sometimes conflates two different levels of moral thinking: the level of justification and the level of deliberation. Specifically, I claim that abstraction or attention to context at the level of justification does not entail, as some critics seem to think, a commitment to abstraction or attention to context at the level of deliberation. It follows that critics who reject a theory's use of abstraction at the level of justification have not shown that the theory recommends abstraction at the level of deliberation and that it, therefore, compels the deliberating agent to overlook morally salient details.

Those who endorse the ethic of care over its rival, the ethic of justice, have argued against a universalist approach to ethical theorizing. The universalist approach recommends deciding moral issues by appealing to universal principles from which right actions can purportedly be deduced. A common reason for rejecting universalism is that abstract principles preclude taking into account certain morally relevant features of a situation. As a consequence, the argument goes, such principles can distort or corrupt moral judgment. A better view, care theorists say, is a contextualist approach where the agent eschews principles and responds directly to the details of a particular situation. This passage from Noddings is a representative example of the contextual approach advanced by ethicists of care:

> Consider Ms. Brown, who has promised to attend the symphony with her husband, and then their child comes down with an illness [and wants her to stay home]. . . . The solution to this sort

> of conflict cannot be codified. Slogans such as "Put your husband (child) first!" are quite useless. There are times when he must come first; there are times when he cannot. . . . There is no probability calculus that will solve this problem for her. After analysis and argument, and perhaps a period of watchfulness . . . she has to decide. When she decides, if she cares, she decides not by formula, nor by process of strict "rational decision-making." . . . She turns away from the abstract formulation of the problem and looks again at the persons for whom she cares. . . . [H]aving received both persons, she decides to stay with the child. (Noddings 1984)[1]

My objective in this paper is to show that some arguments rejecting universal principles in favor of the sort of contextual reasoning exemplified in the passage above conflate two different levels of moral theorizing—the level of justification and the level of deliberation—and therefore founder. I will argue, in particular, that these arguments make the following problematic inference: they identify abstraction or attention to detail in a theory's method for justifying its principles and infer from that some claim about the ability of the theory's principles to capture morally relevant details. An account of how principles should be justified, however, typically has no bearing on how those principles should be applied. So the inference does not hold.

I begin by explaining the "levels distinction" on which my critique rests. Then I consider an account offered by Joan Tronto, which suggests, implausibly, I argue, that a contextual, rather than abstract, method of justification is bound to promote the responsive orientation toward individuals that care theorists endorse (Tronto 1995). Next I critique Alison Jaggar's claim that theories that use abstractions, such as the original position or the ideal observer, require deliberating agents to regard themselves and others in the abstract (Jaggar 1995).

Deliberation and Justification

To illustrate the distinction between the level of deliberation and the level of justification in moral theorizing, I will use hedonistic utilitarianism because it is especially easy, I think, to see the different levels in this case. Take the principle of utility, which says that the right act is the one that maximizes happiness. One can treat this principle as giving instructions for deliberation—when deciding what to do, figure out which among your options will create the greatest happiness—or one can treat it as a standard of rightness—as an account of what makes a right act right. In thinking that the principle of utility is the correct standard of rightness, one need not take it to be a useful or

appropriate principle for deliberation. One might think, for instance (this is admittedly rather fanciful) that the best way for agents to maximize happiness is for them to conform their actions to the Categorical Imperative. So, we have the level of deliberation and the level of *identifying* a standard of rightness (Bales 1971; Railton 1984; Brink 1989).

There is a third level, however, and that is the level at which one *justifies* a standard of rightness. Here one gives an argument for why the right-making feature one has identified—for instance, maximizing happiness—is indeed the right-making feature. So, in keeping with our example, Mill justifies the principle of utility (understood here as a standard of rightness) by arguing that happiness is the only thing good as an end (Mill 1979). One might support a standard of rightness, alternatively, by arguing that it would be chosen by idealized agents occupying a particular point of view (Rawls 1971).

Contextualism and Meeting People's Needs

Joan Tronto, who defends the ethic of care, concurs with the standard ethic of care complaint, initially given prominence by Carol Gilligan, that universalist moral theories, such as neo-Kantianism, are too abstract (Gilligan 1982; Tronto 1995). Tronto says, "In these theories, moral standards are largely governed by universalized rules, such as the principle of fairness. The danger of such theories, as many commentators have noticed," she continues, "is that these formal criteria may ignore and not provide any account of the concrete details of the moral and political life of individuals" (Tronto 1995, 143). Believing these details to be morally important, Tronto contends that we should arrive at our moral and political judgments by paying attention to these details. However, she warns that we must be sure to attend to the lives and concerns of *everyone*, not just those who "have the most to say" or "speak the eloquent language of the academy." Then she says:

> In very concrete ways, this shift [to listening to everyone] requires a shift in what constitutes our notions of desert, and, hence, at the deepest level, our substantive notions of justice. . . . [E]ven notions of justice as fairness rely on senses of desert, for example that all people deserve rights. Virtually every political debate in the United States comes down to a desert claim that comes out of the "work ethic": that people are entitled to what they have because they earned it. The care ethic posits a very different set of standards for desert: people are entitled to what they need because they need it; . . . (Tronto 1995, 146)[2]

At least three features of this passage demand attention. First, Tronto's alternative to the ethic of justice is given in the form of a universal principle:

"[P]eople are entitled to what they need because they need it . . ." The apparent tension in her view initiated by her appeal to principle can perhaps be diffused if we recognize that some ethicists of care have conceded that both the care and justice approaches rely upon both abstraction and attention to detail. These theorists concede, for example, that in order to discern which universal principles apply in particular cases, one must pay attention to context. Universalist views, then, *invite* attention to particularity. Likewise, the ethic of care appears to entail at least one universal principle—a principle demanding that we respond with care to the needs of particular others (Friedman 1993; Clement 1996; O'Dowd unpublished). Moreover, it may rely on some other principles as well, for example, a principle requiring us to maintain relationships (Grimshaw 1986). Such a principle might go unnoticed as such (by theorists and moral agents) because this principle tends to conflict with, or be subordinated to, other more widely recognized moral principles, such as those demanding truth-telling or promise-keeping.

The observation that the care and justice approaches are both concrete and abstract has led some care theorists to conclude that the difference between the two approaches, with respect to their views about the appropriateness of universal principles, is a difference in degree or emphasis rather than a difference in kind (Clement 1996). Where care theorists are conservative in their use of principles because such principles (they think) can distort our moral judgments, justice theorists are less so because such principles (they think) reliably yield good judgments. So, Tronto, in the passage quoted above, might be appealing to a universal principle, in spite of her avowed suspicion of such principles, because she is taking for granted this compromise view. She believes she can help herself to a principle, perhaps, because the *reasonable* ethic of care position does not *completely* reject principles; it merely employs them with great caution.

Although invoking the "compromise view" can explain away an apparent contradiction in Tronto's account, it is worth observing that the view itself represents a large concession on the part of the ethic of care. For once ethicists of care allow that they are committed to abstract universal principles, they have largely obliterated the difference between their view and the ethic of justice along one important dimension. Surely no reasonable universalist favors promiscuously or recklessly applying abstract principles.

A second thing to notice about the passage from Tronto above is that it suggests that one should arrive at moral *principles* by examining the details of people's lives rather than arriving at moral *judgments about particular cases* by examining the details of people's lives. In other words, Tronto proposes that we attend to detail at the level of justification rather than (only?) at the level of deliberation. Moreover, Tronto appears to think that her rather idiosyncratic view about the relevance of context represents a departure from universal

moral theories. One of two things might explain this belief. It may be that she has failed to observe the distinction between deliberation and justification, and so sees herself, mistakenly, as presenting the standard ethic of care claim about the importance of context. Or, it may be that she thinks that theories that invoke contextualism in the domain of justification cannot be universal.

However, if she is making the latter claim, she is mistaken. Appealing to particularity or detail in the context of justification does not render a theory non-universal. Universalism, though it entails a particular view about how moral decisions should be made (that is, by appeal to universal principles) does not entail a particular view about how universal principles should be justified. Hence, universalism is compatible with contextualism at the level of justification. It follows that Tronto, in sanctioning a universal principle and recommending an appeal to context as the appropriate method for justifying that principle, has not rejected, and indeed has offered a version of, universalism.

A third thing to notice about the quoted passage is this: Tronto implies that the contextual method of justification she favors will yield a universal principle that differs in content from standard principles of justice. Those, she says, typically rest on a faulty notion of desert. If we pay close attention to context, she claims, which includes, on her view, paying attention not simply to people's circumstances but to their interpretations of their circumstances, we will have reason to adopt a principle that requires us to meet people's needs. Now, this claim *may* be true, but it states a merely contingent fact. Indeed, if the prevalence of the work ethic is as ubiquitous in the U.S. as she suggests, we have little reason to think that her method of appealing to particularity—that is, to what particular people believe—will yield the need-based principle she prefers. At any rate, I doubt, given her commitment to ideals of care, that Tronto would regard the failure of contextualism to justify her preferred principle as a reason to reject the principle. I suspect, that is, that she is more committed to the principle than she is to the theoretical value of particular people's beliefs about distributive justice. Given the three considerations I have canvassed, it seems clear that, despite initial appearances, the merits of universalism are not what Tronto is arguing against here.[3] Instead, she is concerned about the proper content and justification for a universal principle.

Abstraction and the Moral Subject

In an essay expressing reservations about some aspects of the ethic of care, Alison Jaggar offers the following praise of the care approach:

> The care perspective's attention to the subjects of moral consciousness contrasts with the justice perspective's efforts to

> disregard or bracket individual subjectivity through ingenious theoretical devices designed to approximate an impersonal "view from nowhere." . . . [I]n both teleological and neo-Kantian deontological ethics, relationships between particular selves and particular others are regarded as likely to be epistemologically subversive or morally corrupting. Theoretical postulates such as the ideal observer, the disinterested judge, the archangel, the original position, and the view from nowhere are designed to correct for the assumed bias of particular points of view.
>
> Care reasoning is unlike justice reasoning in that it does not attempt to bracket or disregard the self, whose appropriate motivations [, etc.] are thought indispensable to morally acute perception. . . . Justice thinking is impersonal and general because it regards both moral subjects and the objects of their moral concern in terms of their moral status as representatives of humanity . . . rather than in terms of their concrete specificity; care thinking is personal and particularized in that both carers and those cared for regard each other as unique, irreplaceable individuals. (Jaggar 1995, 190–191)[4]

On Jaggar's view, the contrast between the justice and care perspectives seems to be as follows. Care theorists allow the moral subject full information about herself and those to whom her moral concern is directed, without worries that that information will compromise her decision. Justice theorists, on the other hand, think that allowing the moral subject full information about herself and about the objects of moral evaluation will distort the agent's decision. In other words, as Jaggar sees it, the moral point of view, for the care theorist, need not be (or perhaps should not be) abstract in order to yield the right outcome; the moral point of view, for the justice theorist, must be abstract in some ways in order to yield the right outcome.

I believe that Jaggar's account contains the same confusion that is, arguably, present in Tronto's view. Jaggar's critique conflates the point of view of justification with the point of view of deliberation.[5] The "theoretical postulates" that Jaggar identifies are indeed present in many universalist ethical theories. However, these hypothetical beings or devices are employed in the theory's *justification* of its principles. The purpose of these devices, as I understand it, is to insure that the principles they justify, and not the application of those principles to particular cases, are free of bias toward certain groups or individuals. Theories that employ these devices do not entail or recommend that those deliberating about particular cases should attempt to mimic the point of view of the hypothetical entities.[6] The task of the abstract parties to the original

position, for example, is to arrive at principles of distributive justice. The proper application of the principles to a particular society is the task of the citizens of that society. Moreover, it would be quite an implausible universalist theory that required citizens to take up the point of view of the parties in the original position when *applying* principles of justice, since that would divest them of crucial information they would need to apply the principles. Jaggar's remarks, then, do not lend support to contextualism because universalism is not committed to the degree of abstraction in deliberation that Jaggar suggests it is.

My critique of Jaggar, if correct, does not, of course, vindicate the use of abstraction in the domain of justification. It may be that there are some other reasons—independent of the problem of overlooking morally relevant detail—to reject abstraction at the level of justification. Indeed, as I suggested above, we might interpret Tronto's endorsement of contextualism at the level of justification, not as a kind of levels confusion similar to what we see in Jaggar, but simply as a rejection of the abstraction one typically finds in universalist theories at the level of justification. That is, Tronto might be rejecting the same sorts of abstract entities and devices that Jaggar rejects. I argued above that this rejection does not constitute a rejection of universalism—one can, as Tronto does, offer a contextualist justification for a universal principle.

So why might one be opposed to abstract justifications? Some have argued that the device of the original position and other abstract devices merely masquerade as abstract, when in fact they import concrete, and rocentric assumptions (Schwartzman 2006). Others have argued that justifications for principles of justice are strengthened to the extent that they make contact with actual people's beliefs. Otherwise, philosophers might be led astray by their own ideals, such as their belief in the value of the capacity for practical reason (Nussbaum 2000; Wolff and De-Shalit 2007). These are certainly positions worth exploring. My point is that once we concern ourselves specifically with how to justify moral principles, we are no longer on the terrain occupied by the debate between the ethic of care and the ethic of justice. Indeed, it would seem that most ethicists of care should have little interest in the issue of justifying moral principles since they reject the use of such principles.

Conclusion

I have maintained that some arguments claiming that universalism compels deliberating agents to ignore morally salient details of particular situations conflate different levels of moral thinking. These arguments fail to distinguish between the level of justification and the level of deliberation. A contextual method of justification, I have argued, does not, contra Tronto, guarantee a contextual or care-oriented approach to moral deliberation; an abstract method of justification, does not, contra Jaggar, entail an abstract approach to

moral deliberation. These theorists' arguments, then, do not give us good reasons to reject universal moral principles.

Notes

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1. See also Lawrence Blum, who helpfully distinguishes among many types of particularity. He identifies a concern with "detail particularity" as central to the ethic of care as articulated by Carol Gilligan and Nel Noddings. He says, "Once one perceives a particular situation as a moral one, calling for moral response, there remains an issue of degree of detailed understanding—a finer-grained as contrasted with a coarser-grained—that one needs to make an adequate response" (Blum 1994, 52).

2. I am indebted to O'Dowd (unpublished) for alerting me to this example. She uses this example to argue for a different point, namely that we might think that mere brute facts about needs lack normative pull in the absence of a principle that demands that needs be met.

3. It is perhaps easy to make this mistake since the care approach characterized by Carol Gilligan contains both a substantive and a methodological element. Walker labels the former the "care and response orientation" (Walker 1989). This orientation focuses on relationships and responsibility. The latter she calls the "contextual-deliberative picture" of moral thinking. As these are analytically separate, one could endorse one without committing to the other. Indeed, some care theorists reject the contextual-deliberative picture and argue in conventional ways for principles of care. See, for example, Kittay 1999; Rooney 2001; Engster 2005; and Miller 2005.

4. For the views Jaggar is critiquing see Firth 1952; Rawls 1971; Hare 1981; and Nagel 1986.

5. I read Seyla Benhabib as making a similar mistake. She characterizes the standpoints of the generalized and the concrete other as standpoints for deliberation—basically as standpoints from which we are to view other persons whom we are deciding how to treat—and then associates the standpoint of the generalized other with the standpoint of the parties in the original position. See Benhabib 1986.

6. I have argued elsewhere that some criticisms of impartiality make a mistake similar to the mistake I attribute to Jaggar. See Stark 1997.

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