CHAPTER-II

MORAL CAPACITY
Ethical question has been at the heart of philosophical debates since Greek philosophy emerging in the Sixth and Fifth Century BC. Socrates, the Sophists, Plato, Aristotle, the Epicureans, the Stoics, etc. all debated ethical issues with greater zeal than any other issue, including metaphysics, theology or cosmology. The zeal was presumably for the questions of ethics affected more directly the everyday life of individual. However, these classical philosophers carried out ethical debates on an abstract plane, as they were more concerned with questions pertaining to subjectivity or objectivity, relativity or absoluteness, particularity or universality, of morals and values. The classical ethics was supposed by utilitarian approach, which nevertheless contained to retain the abstract nature of ethics. The utilitarian principle concentrated primarily on the problem of the highest good for the greatest number of people. The teleological implications were not acceptable to Kant, who advanced a non-teleological criterion of human morality in terms of duty as categorical imperative, which entails a moral’s obligation or command that is unconditionally and universally binding. However, the Kantian approach to Ethics is termed deontological, which does not concern itself
with specific human condition, or, we can say, it is not interested in situational or contextual aspects.

In contrast contemporary ethical philosophers are more prone to debating specific contextual features of ethical questions. They have challenged the dominant paradigms of doing ethical philosophy by both religionist and secularist. Religionists seek to propagate or implement religious ideology whereas secularist advocate separation of state and church. In a sense, secularism asserts the right to be free from religious dictates in governance and imposition of religion upon the people. A secular state is expected to be neutral on matters of religious beliefs. European laicism asserted that secularism is a movement away from traditional religious values towards modernization. All this helped in demolishing the paradigmatic ethics, due to which philosophers of classical and medieval moulds failed to standardize ethics and suffered a rude shock. Contemporary ethical philosophers offer alternative modes of doing ethics, for instance, feminist ethical thinkers have interrogated the assumptions of classical ethical theorizing on the ground that it is entrenched on patriarchal world view and value system. In patriarchies it is thought that men are more rational and capable of sorting out social, political and economic issues. Feminist argue that the capacity of reasoning so conferred on the male species is a power recourse to which
give him access to perform in the spheres of society, politics, economy and areas of human culture in contrast to the capability of women.

Feminist ethical thinkers are deeply critical of this ethics of power propagated by classical and medieval patriarchy. The feminists have offered ethic of care as an alternative model of carrying out one's responsibilities and duties. The ethic of care articulates that males may be more rational and better situated to scientific and mathematical investigations; alternatively females are endowed with arising out of ethical dimension in terms of their warmth, emotional empathy, sympathetic understanding of human conditions and a vital moral capacity.

The patriarchal ethics is termed by some of the feminist as ethics of power. The feminist feel a need to replace it with ethic of care. The feminists argue for ethic of care, which is legitimized, according to them, though alluding to rationality, by a paradigm-shift and for inculcating an ethic of care in all human beings. In the ethic of care they argue in terms of requiring a respect for gender, as also color; caste and creed. Accordingly, the present thesis will try to figure out or explore the features of ethic of care that will contribute to the development of ethics without gender biases.
According to Webster's Dictionary, capacity refers primarily to receptive powers, or power of receiving, containing or absorbing. The most usual connotation of the term 'capacity' is stamina or the ability to sustain prolonged physical or mental effort. The term is sometimes also used to depict sustenance of struggle. The term 'capacity' signifies the maximum a person or thing can endure, contain or produce. It is understood as an ability or power to do something or to achieve an aim. The word 'moral' pertains to the principle of right or wrong or goodness or badness of human actions, in short normative aspect of action. When we are talking about morals we are talking about principles of distinction between good and bad right and wrong behavior and a system of values or principles of conduct. As Lee has pointed out,

"...the word morals, when used in this sense, of course does not refer to any kind of a body of doctrine or imply any belief about how conduct should be regulated, it refers to a broad field of classification of phenomena. When any phenomenon is called moral, it is pointed out that it is, in that respect, different from the intellectual, the aesthetic, the scientific etc."¹

Lee wants to bring out the distinct character of moral phenomena that needs to be distinguishes from the intellectual, aesthetic and
scientific. We need to categorically spell out that ethical propositions address them to distinguish right from wrong or good from bad. Morals do not indicate any doctrinal system or any system of belief. The phrase ‘moral capacity’ would then mean our power of putting up a moral struggle, resisting external pressures violative of moral principles or standards. Our moral capacity also indicates our depth of commitment, the potential of struggle and our stamina to withstand the evil-doers. It is too obvious to state that moral capacity differs from person to person; it may be strong in some person and weak in others. An analogy may be drawn with the mathematical capacity to tackle mathematical problems, where some people can be good or bad at it, similar some people can have greater moral capacity than others. Moral capacity refers to receiving or containing and absorbing moral virtues and values. The people who are oriented to morals or values or whose actions are guided or controlled by moral values are considered to be endowed with moral capacity.

Lee clearly feels that mere lexical meaning of moral or morality is not sufficient, for the word ‘moral’ does not simply mean ‘morally right’ or ‘morally wrong’. The term moral goes beyond the demarcation of right and wrong and places the sense into complexity of action or behavior that may have paradigmative configuration. In normal parlance
the term morality is used to depict a polarity to immorality, as a means to correct behavior, as when we speak of morality of an action. Morality is normally understood as a code of conduct adopted by a group for its organizational guidance. All normative thinking falls under the domain of ethics with morality as the part specifically concerned with action and feeling. According to Andrea,

"...morality... [is] a hegemonic discourse. Conceptions of morality are not merely certain sets of norms or social expectations that people follow. They are rather, complex amalgamations of a multiplicity of ways of thinking, feeling, and acting, body praxes, form of knowledge, social relations, and institutions. Within them, thinking, feeling, and acting are normativized, censored and disciplined, as well as constituted".²

However, ordinarily the terms morality and ethic are used interchangeably. This is primarily because the terms morality and ethic while distinct are deeply interrelated. Weiss explains the distinction between ethics and morality in the sense that man is by nature moral if he conforms to the established practices and customs of his group. He is ethical if he voluntarily obligates himself to live in the light of an ideal good.³ He further explains the distinction or relationship thus:
“Morality and ethic are related as body to mind, fact to theory, instrument to purpose, present to future, root to fruit. The former is indispensable but conforming; the later is desirable for its sake, though important unless supported by the other”.

There is confusion in the elaboration of the distinction between morality and ethic by Weiss. Initially the distinction Weiss draws is in terms, of the kind of action that ensures morality and ethics, whereas later he establishes a relationship between the two in terms of theory and praxis. He, however, maintains that strictly speaking ethics and morality are not synonymous. Morality can be defined as a value system consisting of standards that define good and bad, right and wrong. Ethics is the applying of these moral principles through decisions and actions. However, Weiss argues that

“Men are by nature moral, if they are ethical as well, they have a greater dignity and value than otherwise. The reformer is better than the conformer, for he is not only a moral but an ethical being. No matter how hard he struggles to free himself from the confines of established practices he cannot avoid engaging in them to some degree while he pursues his ideal good”.

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Etymologically 'morality' is derived from the Latin word 'mores'. According to Roth morality is especially concerned with personally held beliefs, obligations, and the social elements that reinforce decision: 'Ethics' comes from the Greek word 'ethos' which means character and deal with the rightness and wrongness and rightness of action. Philosophers have traditionally defined ethics as the study of moral judgment and choices and morality as referring to rules by which such choices are made. Duval, for example, defines morality as beliefs and practices related to the notion of right conduct which is accepted or sanctioned according to some particular system. Ethics is the study of problem of right conduct in the light of moral principles, such as, freedom, justice, responsibility, and so on. Morality as argued above implies a standard of conduct, which is not static but ever evolving. The term morality can be used either descriptively or normatively. Morality those have been attempts to define descriptively as a means of assessing conduct of by a society, group or, individual. Moral code in this sense will, therefore, vary from society to society, according to cultural and historical back drop within societies as assertion of its disparate group and amongst individuals autonomously a being power of a group. Morality may is seldom be defined as a code of conduct that would be acceptable to all rational people under certain ideal conditions. In
simpler terms, morality is presumed to be a set of correct moral principles a code of conduct, which, though which never expected to be universally accepted, ought to be adopted. Lee understands ethics to be an attempt to rationally understand these evolving standards of conduct. Ethic is a theoretical project that refers to practice, that is, doing, acting and behaving, only in so far as it is employed to substantiate its arguments. Morality then refers to conduct, while ethics is a branch of philosophy and as such is related to conduct only as a reflection on it. The relation is simple that we may philosophize conduct, and that is exactly what we do in the study of ethics. In short, ethics is the philosophical study or philosophy of morality.

The later Sophists concentrated on moral issues as part of the training they imparted to their pupils to achieve political and social success. For the Sophists whatever was held good for an individual was regarded as justice or law and therefore good for the state. Socrates, however, shifted the focus by maintaining that morality involves ‘knowledge of the good’ and true morality consists in having insight into the ‘good’. Plato’s Republic contends that morality was invented by the strong, who propagated moral rules for those they governed in order to manipulate them more easily. MacIntyre sums up Plato’s view,
"...moral concepts are only intelligible against the background of a certain sort of social order, he then tries to delineate it, providing or attempting to provide at the same time a justification in terms of the order of the universe".8

Plato was interested in classifying action as moral or immoral and thought that moral actions benefitted the doer and immoral actions injured him. He tried to show that acting morally is in the best interest of all, that is, for the society as a whole.

Socrates, Plato, and Aristotle equated virtue with good. They further argued that morality consists in virtue, which is mainly or completely its own reward. For Aristotle, morality consists in doing certain actions not because we see them to be right in themselves but because they will bring us nearer to the ‘good’ for man. Aristotle assuming a human nature spelling out the intrinsic goods for human beings argued that moral value depends on reason and realized by the virtuous exercise of rational capacities and is therefore objective. For Aristotle virtuous man gets pleasure from virtuous activity itself.

However, modern philosophy sees morality, as beliefs and practices relates to natural rights like the capacity to self-defense, which is present in early modern philosophers like Hobbes. The society
depends on a social-contract, argues Hobbes, structured for self-preservation and therefore the natural right to self-defense is retained in his contract.

There are many subtle differences between moral philosophers, however, dealing with all of them would amount to, for the purpose of this thesis, a digression. However, broadly morality can be divided into two broad categories teleological and deontological, Aristotle a teleologist believed that all actions have an end understood to be ‘good’. His ethics is directed to an analysis of the ‘good’ in terms of means used to attain it. Roth Nowell maintains from the deontological perspective that actions are intrinsically right or wrong, regardless of the consequences that they produce. However, this theoretical approach to morality lays stress on what is obligatory, what one ought to do, but with no reference at all to value or conception of goodness. On the other hand teleological moral theory is based on the intuition that an action cannot be right if it brings about a bad state of affairs. As Robert Olsen points out,

"The commonality of all teleological theories of ethics is the subordination of the concept of duty, right conduct, or moral obligation to the concept of the good or the humanly desirable duty is defined as that which conduces to the

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good, an account of enjoying a personal course of conduct as a duty or moral obligation is regarded as acceptable only if it can be shown that such conduct tends to make a greater balance of good than do possible choice.\textsuperscript{10}

Hume, following Protagoras and Hobbes, felt that morality is a system of constraints on conduct with the central purpose to protect the interest of others. Hume asserts that morality is needed to solve basic problems in life. Kant, a deontologist, viewed morality as that to which everyone wishes to link everyone alike through rational will. For him moral philosophy has as its goal, the highest goal, that is, human beings follow moral law out of their free will realizing and in fulfillment of their duties or responsibilities. Such actions are the highest good, because they are absolute and without condition serve only the fulfillment of moral law. Kant held moral value to be objective whose character is determined by universal and rational principles. Therefore for Kant moral law is, \textit{Always act in such a way that the principle of your action can serve as a universal law}.\textsuperscript{11}

Fagotley argues that morality is the quality of human acts which help to identity right or wrong, good or bad. He therefore distinguishes human acts as belonging to subjective and objective morality. Subjective
morality looks at the act as conditioned by the individual agents knowledge and consent, by his background, training, emotional stability, and other personal behavior. Objective morality looks at the act simply as a deed done, independently of any modifications or voluntariness on the part of the doer.\textsuperscript{12}

Kantian ethics is subjective morality since it requires that the moral agent exercises his own sense of right or wrong. Kant visualizes autonomy as the essential ingredient of morality. However, for Hegel, morality is revision of the will to itself, which is purely spiritual and is therefore simply objective and assumes no binding duty toward family, society and state. Hegel shifted the focus of morality from subjective to objective morality.\textsuperscript{13} Bentham, the utilitarian, shifts the debate from the subjective and objective dichotomy to utility. According to Crip, et al,

"Utilitarianism is a theory about rightness, according to which the only good thing is welfare. Welfare should, in some way be maximized, and agent is to be impartial between their own welfare, other people and of other sentient beings".\textsuperscript{14}

Utilitarianism is an outcome of the Enlightenment and has Jeremy Bentham and John Stuart Mill as its two major philosophers. Utilitarianism can be divided into two parts, act-utilitarianism and rule-
utilitarianism. If we understand action to mean particular action then we
are dealing with act-utilitarianism accordingly each particular action is to
be assessed directly by its consequences. Rule-utilitarianism considers
actions as morals when they conform to the rules that lead to the greatest
happiness for the greatest number of people. The Rule utilitarianism
does not look the consequences of particular action instead it considers
the consequences entailed in adopting a general rule, such as do not
steal. The utilitarian’s, as pointed out by Harrison Jonathan, Bentham
and Mill shaped a political movement to get legislative reforms by
criticizing social institutions in terms of their utility in producing ‘the
greatest happiness for the greatest number of people’. Utilitarian theory,
especially of Bentham, lies in its simplicity and applicability. Bentham
aims to make ethics and politics scientific by defining quantitative
standards of evaluation. ¹⁵ Peter and Steven point out that

"The belief which accepts as the foundation of morals
utility or the greatest happiness principle" holds that
actions are right in proportion as they tend to promote
happiness; wrong as they tend to produce the reverse of
happiness". ¹⁶

Utilitarianism is grounded on pleasure, which entails freedom from pain
as the only desirable ends of our moral struggle. For Utilitarianism either
things are inherently desirable pleasurable or instrumental to promotion of pleasure and prevention of pain. Nevertheless, many act-utilitarian philosophers have advanced critiques of standpoint of deontological as well as rule-utilitarianism. For instance, Bentham while criticizing deontological view points out that deontologists are merely putting up popular morality in a new version. Bentham argued that so-called unchanging principles that are attributed as natural law or universal reason by deontologists are actually interpretations emanating from subjective opinion. The other utilitarian stalwart Mill contented that deontologists cannot accord priority to moral principles in case of conflict between rights and duties which is necessary for complete moral guidance. However, not just Kant but Bentham too does not formulate a new foundation of morality and only provide a justification for the accepted or prevalent morality, which involved subjugation of women. Contemporary Western philosophers have been debating vital questions pertaining to ethical and political philosophy. For instance, Habermas’ approach is centered on ethical and political issues. He does not critique reason as forms of transcendental subjectivity. Instead he shifts the critique of reason to forms of communicative reason. Like, Kant, Habermas distinguishes the types of practical reason and corresponding types of ‘ought’ proper to questions concerning what is pragmatically
expedient and ethically prudent or morally right. The aim of his Discourse Ethics is solely to reconstruct the moral point of view from which question of right can be firstly and impartially adjudicated. As pointed out by Roth,

"The basic principle of discourse ethics of Jurgen Habermas is a clear modification of the categorical imperative. The principle is that for norm to be valid it must be accepted in a practical discussion by all those who are affected by the norm. The participants in the practical discourse must then also foresee the consequences of the general observance of the norm for the realization of the particular interests of each of them. The view that moral norm must be constructed by communities engaged in free practical discourse implies that the good society must be fundamentally democratic."^17

In their quest for equality liberal feminist philosophers have critiqued those traditions and texts which have explicitly or implicitly stood for moral inequality of women on account of their biological differences from men. They have also hailed those traditions, texts and philosophers who have advocated equality of women in respective philosophical or theological domains. For example feminists have
singled out Plato as possibly the feminists' philosopher for recognizing that women within the elite could be freed from various the physical and social constraints on their lives in order to exercise political responsibility alongside their male counterpart. Plato at least affirmed the basic capacity of women to reason in the same way as men and plays their roles as responsible citizens of the state. Western liberal feminists have also scrutinized Biblical scripture in other theological texts for their affirmation or rejection of equality of women. Feminist have welcomed St. Paul's assertion that there is neither male nor female but a discipleship of equals. It becomes the key text for an ethic in which gender difference is not to make any difference. Kant's formulation of the moral law as a categorical imperative that is universally applicable and which places responsibility of obedience to it upon the free will of each individual person, has become the significant text for the ethic of equality. Kant's insistence for treating all persons as end-in-themselves is taken as foundation for dignity of all persons regardless of any social, biological or historical factors. The utilitarian texts in Nineteenth Century advocated greatest happiness for the greatest number of people, which is taken as an explicit affirmation of equally of women. Liberal feminists challenge as unjust these texts that merely provide the cultural context or the historical situations out of which they were written.
Gender justice becomes an exception-less principle or norm of equality. The theological ethics can also be revisited by the application of the ethics of principles. In the realm of theology, the principle of equality can be reinforced by interpreting it to be the will of Creator who equally concerned for the material and spiritual fulfillment of all persons respective boundaries are deemed by liberal feminists to be justification of male privileges. The feminists have put up the radical question as to white Christine Church has continuously reinforced sexism in society and in the Church despite the textual claim that all human being equally participate in the universal and inclusive redemption in Christ. This Christian theology of sexism has been challenged by the Twelfth Century by Hildegard. She critiqued the official church doctrine with regard to the depiction of the nature of women soul. She advanced the thesis that women are morally equal to men and women as humans can be different from man only in temperament. However, they are no different in wisdom, moral worth or moral capacity. The American contemporary philosopher, John Rawls contends that the principle of justice as fairness is prior to the conception of goodness and must also limit that conception. Rawls in his ‘Theory of Justice’, a distinctive contribution to twentieth century ethical thought, argues that a dynamic interaction between moral commonsense and critical thinking results in a
state of reflective equilibrium. This is a mental and emotional standpoint from which all persons are seen to possess a special dignity and worth. John Rawls attempted to formulate a general theory of how moral judgments are made and justified. Rawls was too modest to claim originality with regard to his substantial contributions to contemporary ethical philosophizing. He formulated a moral theory that was unified and systematic. Rawls basic view can be traced to certain previous ethical ideas. However, by focusing on the notion of justice and rights, Rawls changes the subject of the ongoing philosophical debate. His emphasis on establishment of social institutions that benefit all people equally, brought the notion of equality to the centre stage of contemporary debate. Rawls therefore argues that it is precisely because of this that we take the position that morality has little or nothing to do with spirituality as such, but has everything to do with human goodness, and is nothing which may be understood as mysterious.

The history of philosophy, including the history of ethics, shows that ethical theory has male-domination expressing his understanding based on assumptions which are far from gender-neutral. In such an understanding women were to do most of the required caring work. The sexual division of labor exploits women by means of extracting unpaid care labor from them, making women less able than to engage in paid
work. While the term ‘feminism’ may have a contemporary Western basis, but the feminist views are expressed in many different cultures and can be traced back as far as the ancient civilization of Greece and China. ‘The City of Ladies’ by Christine de Pisan published in 1405, anticipated many of the ideas of feminism in citing the lives of famous women of the past who advocated women right to education and political influence. Nevertheless, it was not until the Nineteenth Century that a structured women’s movement developed. The first book of modern feminism is regularly taken to be Mary Wollstonecraft’s book ‘Vindication of the Rights of Women’, written in the backdrop of French Revolution. The book proclaims centrality of the value of individual’s independence and the treatment of women as individuals and equals. Her argument anticipates the concerns of later generation of campaigners for gender equality. French philosopher and social critic Simon de Beauvoir in ‘The Second Sex’, contrasts the egalitarian promise of the Soviet revolution in relation to the position of men and women under Western capitalism. This was augmented by bringing to light the cultural and intellectual perceptions of the respective characters of men and women in an attempt to lay bare the genesis of gender based inequality. Simone de Beauvoir finds women uneasily situated between the notion of femininity arising out of the patriarchal past and a prospect of achieving a new ideal of
womanhood. The aim to achieve gender equality does not imply that women should exist like men, but demand a society in which each individual expresses her or his own individuality unaffected by gendered identity. Simone de Beauvoir's claims that femininity is manufactured in society as part of the whole process. Simone de Beauvoir argued that woman is defined and differentiated with reference to man and most vice versa. The woman as a category is incidental, and is the inessential as opposed to the essential. He is the subject he is the absolute, she is the other. According to Simone de Beauvoir, man is deemed to be the paradigm or model or point of reference with regard to the evaluation of human beings. The woman is measured by the yardstick of masculine personality. The other way round does not happen a men personality is not measured against some real or supposed features of femininity. The female is incidental. On the other hand man is essential. The female is inessential. The male is absolute. The woman is only other of the man. Like her contemporary, the Nineteenth Century feminist philosopher, Harriet Taylor Mill, argued for women's equal rights taking into account the issue of gender differential as degrading. Earlier French philosopher, Clarisse Coignet, a Kantian philosopher, also argued for women's moral equality to be considered sovereign ends in themselves. She asserted the
view of both genders as having equal capacities for justice and caring. As pointed out by V Geetha

"..."feminist struggle in the interlinked realms of identity and community demand substantive changes in the content of human relationships, even as they seek formal guarantee for these changes in law. And, like the self-respecters, feminists seek root change, whether in structure or consciousness in the everyday interaction".19

The feminist ethics is derived from the feminine practices involved with care, mothering and familial relationships. Alison Adam rightly puts the matter by pointing out that the feminine role requires a commitment to responsibility rather than rights, the collective social group rather than the individual, and an ethic based on caring rather than the supposedly impartial reason of the Kantian moral agent.20 Impartiality is a principle of justice holding that decisions should be based on objective criteria, rather than on the basis of bias, prejudice, or preferring the benefit to one person over another without reason. Kant's view, for example, lays emphasis on the importance of rationality, consistency, impartiality, and respect for person to be an incorporated as an integral part of the way we lead our lives. Kantian understanding is that moral absolutes based on reason cannot be violated which for him
would prevent loopholes, self-serving exceptions, and personal biases in determining of our duties. The Feminist ethics on the one hand challenges the traditional ethical principles, which are patriarchal in nature, while on the other hand construct theoretical ideas, derived partly from the challenge to mainstream ethics. The new ethics so evolved builds normative judgments vis a vis ethical problems arising from so called an estimated subordinate role imposed on women, or where they experience genderization. However, JC Cuomo points out,

"Feminist ethics should promote both justice and joy. But justice and joy can indicate very different projects - one normative, the other exploratory. We need protection and vigilance in the face of racism, misogyny, and other forms of harm. We also need values and recommendations for conscious choices and actions. But joy and other fundamental affective aspects of being are part of what makes fighting oppression worthwhile. Such responses enable us to gain insight regarding freedom, even in the midst of oppression. Even physical ecstasy might be a rich source of self-respect and loving regard for others who are capable of pleasure".21
‘Care’ in feminist ethic is the foundation of proper moral behavior. An ethic of care is different from an ethic of justice. The ethic of justice is based on maxims or general abstract principles such as ‘do not lie’, ‘promote happiness’, etc. However, feminist thinkers view this kind of morality as too impersonal and devoid of context. The feminists argue that morality involves immediate responses based on concern and love and not dependent on maxims to be invoked. It is in this vein that Carol Gilligan understands ethic of care to be concerned with attachment to others and the need to protect interpersonal relationships. In her work, Carol Gilligan contrasts obligations and impartiality stressed in ethic of justice, with relationality and responsibilities, fulfilled in a caring relationship, which demands selflessness and sympathy. A standard instance often cited of care is husband and wife, where relationship both the spouses feel concerned and responsible for each other. However, from the point of view of the ‘female’, whose development occurs along with experience of solidarity and identification, the individual exists only as part of social relations. Thus morality that accompanies this ‘female’ point of view is grounded in the interpersonal experience and bonds, which lead to mutual responsibility and insight into the need for sympathy. In contrast the ‘male’ perspective develops out of an experience of separation and individuation, In this perspective people are
individuals independent of one another and equipped with subjective rights, governed by abstract universal principles thus, the 'male' attitude toward the society arises only after assembling of originally independent individuals, and it maintains itself with common rules that are appropriate to everyone. The norms of care have been treated as unimportant which drew varying reactions from the feminists. For some 'feminists' there is a potential conflict between care and justice, friendship and impartiality, loyalty and universality, whereas for others the conflict may be resolved if universal judgments appropriately incorporate the norms of care. The latter position is that justice and care should not be separated into different 'ethics', like in Sara Ruddick's proposed approach, "justice is always seen in tandem with care".\(^{23}\)

However, as Festenstein and Kenny point out,

"...[From] contemporary theories of justice...we expect
...more illuminating and positive contributions to the subject of gender and justice. Mainstream contemporary theories of justice do not address the subject any better than those of the past. Theories of justice must apply to only half of us simply won't do; the inclusiveness falsely implied by the current use of gender-neutral terms must become real. Theories of justice must apply to all of us, and

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to all human life; instead of assuming silently that half of
us take care of whole area of life that are considered
outside the scope of social justice. In just society, the
structure and practices of families must afford women the
same opportunities as men to develop their capacities, to
participate in potential power, to influence social choice,
and to be economically as well as physically secure".24

John Rawls’ ‘Theory of Justice’ gestures a new paradigm by
reuniting ethics with social and political philosophy, providing
philosophers with a new way of doing ethics. However, he did not give
much room for an ethic of care, which drew the feminists to continue to
reject the site of the dominant moral theories dependent on abstract
reasoning claiming to avoid bias and arbitrariness and achieving
impartiality. An ethic of care, with assertions of responsibility arising
out of interconnectedness with others, lays emphasis on particulars
typical of circumstances and their experience. It is characterized by
looking after and an emphasis on responsibilities towards others. An
ethic of justice, on the other hand, is an expression of autonomy. It is
formulated in terms universal, abstract principles and is characterized by
rationality with an emphasis on individual’s rights. Some describe an
ethic of caring as a "female" approach to morality and an ethic of rights and justice as a "male" approach.

According to Virginia Held,

"...the ethics of care values emotion rather than reject it. Not all emotion is valued, of course, but in contrast with the dominant rationalist approaches, such as emotions as sympathy, empathy, sensitivity, and responsiveness are seen as the kind of moral emotions that need to be cultivated not only to help in the implementation of the dictates of reason but to better as certain what morality recommends".  

Although, care-focused feminism is a branch of feminist thought, informed primarily by ethics of care as developed by Carol Gilligan and Nel Noddings's. This body of theory is critical of how caring is socially engendered to women and consequently devalued. "Care-focused feminists regard women's capacity for care as a human strength" which can and should be taught to and expected of men as well as women. Noddings proposes that ethical caring has the potential to be a more concrete evaluative model of moral dilemma, than an ethic of justice. However, ethic of care is also a base for care-focused feminist theorizing on maternal ethics. Critical of how society engenders caring labor,
theorists Sara Ruddick, Virginia Held, and Eva Feder Kittay suggest caring should be performed and care givers valued in both public and private spheres. Their theories recognize caring as an ethically relevant issue. This proposed pattern shift in ethics supports that an ethic of caring be the social responsibility of both men and women.

Gilligan and other feminists have suggested that ethics has laid emphasis on justice as the principle of morality an outlook developed and shared by men to the exclusion of women. In contrast, women have traditionally been taught a moral outlook emphasizing solidarity, community and caring. Since women traditionally have not been in any position of power and influence the ‘care view’ of morality has been ignored. The difference in the two outlooks on morality can be summed up by pointing out that for ‘justice’ individual may be sacrificed whereas ‘care’ view requires that we put the interests of our near and dear above those of complete strangers.

However, history of philosophy will easily bear witness to the formulation of a universal ethical value-system as impossible to attain. We cannot define the Supreme Good for all the people for all times. All ethical stand points will have to emerge or originate from some particular insight or point of departure. Therefore, it seems better to talk of pluralism rather than that of ethical relativism. It goes without saying
that ethical pluralism can have its own specific, substantive and methodological limitations. The care view on the surface appears to be relativistic but this is not so as Blum points out,

"...in one important sense a morality of care is meant to be a morality for all. It is not a relativistic morality in the sense of applying to some but not other or of being confined to one particular group".31

The charge of relativism is mitigated since it is argued that care ethic may be applicable at a particular time but not timelessly for nothing can be said of the future.

Gilligan has suggested that men and women have different notions of morality that tries to enter into each person’s dilemma and contextualize their need. However, Gilligan interrogates the assumption of differences between the natures of the two sexes and finds as paradoxical the uniqueness of women as the source of their inferiority. However, an ethic of care does not assert itself as belonging to feminine nature alone but then similarly an ethic of justice does not emanate just from the nature of man. Ethic of care and justice are equally grounded in ‘human nature’, and it is just a matter of social construct that women are involved in care-giving role and men in justice-giving roles. These are social differences not biological differences like child-bearing roles,
which are a consequence of biological difference between women and men. However, as Parsons Frank Susan points out,

"...if the medium for change from one valuation to another is not personal free decision, then women continue to be the helpless victims' forces beyond their control which shape them into the beings they are, fitting them up for their appropriate roles in society regardless of their feelings or attitude. These questions trouble an ethic of difference, bringing with them dilemmas regarding the identity of women. For it seems to rely upon some notion of an essence of woman and of man, on essential genderedness, established within "biology of incommensurability".32

Gilligan said that Freud, Erikson, Bettelheim, McClelland and Levinson, have all observed women as complicated but tied to the human relationships, which form the basis for their identity.

It is something like this which has led Tong to argue that feminine ethics revolves around women and in such ethic the differences between moral behavior of men and women is brought out and identified. She goes on to stress that women are morally as virtuous as men, if not on a better moral plane, in comparison to their male counterpart. Broadly
speaking advocate of feminine ethics see women’s morals centered on care, whereas men’s morals as anchored on justice. Women’s ethics revolve around the values of sympathy, relatedness, love, and care. The fact that women’s pregnancy and subsequent role as the first care taker signifies their ‘lives as not autonomous. Women’s role is defined by the network of relationship. Puka Bill has rightly pointed out that,

“...according to Gilligan, care also is the dominant, spontaneous expression of a ‘relational social perspective’. Since a relational perspective arises spontaneously from the formation of female gender identity and role, care will be the female ethic of choice. Male characteristically evolve a ‘separational’ or individualistic social perspective, by contrast, and prefer a right and justice based ethic. In addition since the most prominent theories of moral development favor the theme of justice, since they ‘listen to male voice’ primarily, those theories tend to discriminate against female development. They underrepresent, distort, and undervalue the ‘different voice’ of caring”.

Gilligan brings out that as women are always operating within a relational social perspective, there dominant spontaneous expression will
always be care as the female gender is formed, identified and given the role of caretaker; a relational approach to ethic has to emerge spontaneously. Women in view of relational perspective are bound to choose ethic of care in contrast to their male-counterpart. Most of the dominant theory of moral development favors perspective justice because these theories emerge in response to male sensibility or sensitivity. On the other hand, feminine ethic of caring was always a different voice or another voice and it always remain under represented, distorted and undervalued.

Gilligan understands care not only as a general orientation towards morality but also as a way of moral development. She felt care expresses an empathetic capacity of connectedness in relation with the other. Gilligan portrays care as moving from it develops from egocentric form of self-care, self-concern and self-protective out of a sense of vulnerability. The second level is a more conventional sort of caring person who seeks the support of others by living up to their expectation and serving their need selflessly. Finally, comes the mature caring which is self-chosen, self-reflective, and self-affirming. A feminist approach to caring, as articulated by Joan Tronto

"...need to begin by broadening our understanding of what caring for others means, both in terms of the moral
question it raises and in terms of the need to restructure broader social and political institution if caring for others is to be made a more central part of the everyday life of every one in society..."\(^{34}\)

It is not just women but other marginalized groups too who have traditionally done the bulk of the work of caring so far. Joan Tronto opines that we need to broaden our interpretation of ‘caring’ for others, we need to broaden to include the moral questions the perspective of caring raises. We also need to broaden the structure of social and political intuitions. It is only by such a broadening of social and political agenda can we make caring the central feature of all people across the spectrum in the society. Joan Tronto critically notes that

"...caring seems to suffer a fatal moral flaw if we allow it to be circumscribed by deciding that we shall only care for those closest to us"\(^{35}\)

Tronto also points out a serious or fatal flaw of the moral perspective of caring if we choose to be caring only selectively. The advocate of the perspective of caring cannot claim to care only for those who are very close to them or related by cast, creed or color, such is a selective approach resulting from a very rude perspective of caring.
Tronto extrapolates, "...four ethical elements of care: attentiveness, responsibility, competence, and responsiveness". The attentiveness to the needs of others, which is embedded in, the concrete individuality of a person's that arises out of her or his specific historic-social situatedness. The second element of responsibility emanates from duty or obligation, obtained from where one stands in an abstract relation to the context, but Tronto prefers a 'flexible notion of responsibility' in which the meaning of 'responsibility' shifts according to the given circumstances. The third element demands a person who wants to care for other to be competent to carry out his responsibility or caring successfully. The final element requires a person to be responsive and then only caring can begin, in short, the person must have the capacity to feel and understand the problems faced by others.

There are three gender undifferentiated views which at the beginning held that 'care' and 'justice' are mutually dependent and socially constructed, where acts of 'caring' are attributed to women. This view suggested that moral theory cannot depict an action as morally right unless it is both caring and just, which implies that there would not be any sense in speaking of capacity for being morally right in terms of gender and its social role. A second version is that men and women have moral capacity in equal measures. This second views then enables
women to be moral equals are to be provided all social rights given to men. The last version holds that gender differences are not morally significant even if care and justice are independent moral constructs, and even if there are gender variations in the capacity for care and for Justice. The ethic of care says that we should care and caring is a moral capacity and that we should encourage conditions that create care. Syela Benhabib argues that traditional notion of morality do not fulfill the expectations of universalizability of liberal political thinkers for this reason that this is based on the concrete other and her or his differences.

As Syela Benhabib says,

"...beyond this problem, such abstraction leads, from a woman's approach, to a problematic narrowing of the domain of the moral, and in this way it leads to a strict division between questions of justice and question of the good life, that is between the public and the private".37

In traditional ethics caring is not understood as part of moral capacity which humans qua humans possess, for it is not assimilated as ethics. Ethics is supposed to comprise universal principles of justice. Care presents itself as contextual and restricted contravening the very notion of lasting value with universal applicability. The feminists have insisted that women's morals are centered on care, where as men's moral
are anchored on justice. The situatedness of care cannot, according to the feminists, rule it out of the sphere of ethics. They have argued that this stance is male oriented leading to the conclusion that ethics can only be based on justice. It is this thesis that has led to the arguments denying moral capacity to women. The arguments are that women are not capable of thinking in universal terms but only in limited contextual terms which cannot be ethics. It is in some such terms that the possibility of feminist philosophy is rejected. The arguments of ethics as justice only permit male moral capacity. However, this chapter shows that caring as moral capacity is found more in women than in men. However, for fuller ethics recognition of care as moral capacity is required and further conditions need to be created to make care more acceptable and conducive as an ethic.

The fundamental feminist philosophical thesis has been to extend gender justice to all realms of human existence. Their contention is that the very disjunction of private and public is unacceptable if there is going to be a reasonable and acceptable ethical philosophy. They further extend their thesis to argue that gender justice should not remain confined to the public world, which should be transcended. The private world should not be left to the vagaries of power politics. If we really want application of equal norms and criteria of justice across the
spectrum, then appreciation of gender justice in both the public and private world will have to be worked out.
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