

Does a Sentiment-Based Ethics of Caring Improve upon a Principles-Based One? The problem of impartial morality

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Abstract

My task in this paper is to demonstrate, contra Nel Noddings, that Kantian ethics does not have an expectation of treating those closest to one the same as one would a stranger. In fact, Kantian ethics has what I would consider a robust statement of how it is that those around us come to figure prominently in the development of one's ethics. To push the point even further, I argue that Kantian ethics has an even stronger claim to treating those closest to oneself as imperative than Noddings and sentiment-based ethical theory in general, proposes.

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It has long been customary to view Kant and Kantian ethics as the preeminent champion of doing one's duty from duty's sake alone, irrespective of, and in opposition to, one's desires. Inasmuch as we act solely from duty, we are, it is supposed, to have in mind no personal commitments that could potentially interfere with the carrying out of duty. Maxims that are contingent in some way (say, owing to a strongly held personal commitment to one who is the recipient of a 'moral' act) are to be rejected by Kantian ethics for failing the test of moral worth.

Such is the view of ethics that so-called 'sentimentalist' critics level against Kant.¹ One manifestation of this argument against Kantian ethics is that, inasmuch as no contingency in one's maxim can be present if it is to have moral worth, there is no room for treating those closest to oneself any differently than one would treat a stranger. Moral worth insists upon equal and impartial treatment, regardless of the personal relationships and commitments we have with certain of each other. Nel Noddings, for example, considers this 'impartial morality' as devaluing of human concerns, and rejects it for a more sensitive ethic of care.

My task in this paper is to demonstrate, contra Noddings, that Kantian ethics does not have an expectation of treating those closest to oneself the same as one would a stranger. In fact, Kantian ethics has what I would consider a robust

statement of how it is that those around us come to figure prominently in the development of one's ethics. To push the point even further, I argue that Kantian ethics has an even stronger claim to treating those closest to oneself as imperative than Noddings and sentiment-based ethical theory in general, proposes. To see that this is the case, I will first outline some shared and central features of sentiment-based ethical theory, largely from David Hume and Adam Smith, and then turn to Nel Noddings and her variant of this. Then I will lay out the specific charges of Noddings against the Kantian ethical enterprise, and specifically, of the claim that Kantian ethical theory cannot deal adequately with a more personal commitment to caring. I turn to Kant and to a Kantian ethical theorist in the final section and show that Kantian ethics can manage a defense of the charge. Specifically, I shall claim that, far from being a deficient model of understanding and practicing day-to-day ethical behavior, Kantian ethics can improve upon Noddings' (and sentiment-based ethics generally) attempt to derive our obligations in relationships to both strangers and those closest, from sympathy and care.

1. From Sentiment to Ethics: Hume, Smith, and Noddings

I begin by drawing upon Hume's *Treatise of Human Nature, Book III, Of Morals*. Hume famously tells us that it is not ideas, rather impressions and sentiments, out of which the virtues, and the laws of justice, form. I am not going to dispute this reading of the foundation of law and virtue. I mention it only as the backdrop for the discussion of justice and ethics that follows. For Hume, the virtue of justice arises in response to human self-interest (Hume, 1978, p. 499) and is thoroughly naturalistic and sentiment-based. Now if justice and the virtues arise from human sentiment, then *ex hypothesi*, they are human conventions, as Hume himself claims on 496. Rules are *a fortiori* also human and artificial (Hume, 1978, p. 497).

Hume claims, 'Sympathy with public interest is the source of the moral approbation which attends that [justice] virtue' (Hume, 1978, p. 500). Sympathy, as the preternatural human response to the suffering of others, is the basis of further virtues, including that of justice. Originally, justice was tied to the ownership and distribution of property, and specifically, to the handling of claims and the adjudication thereof. The first obligation arose, therefore, out of a need to make and to keep, promises—a distinctly *unnatural* rule of morality (Hume, 1978, p. 516). Thus, the obligations that promises put people under are unnatural ones (Hume, 1978, p. 517). Hume puts it this way:

All morality depends upon our sentiments; and when any action, or quality of the mind, pleases us *after a certain manner*, we say it is virtuous; and when the neglect, or non-performance of it, displeases us *after a like manner*, we say that we lie under an obligation to perform it. A change of the obligation supposes a change of the sentiment; and a creation of a new obligation supposes some new sentiment to arise. But 'tis certain we can naturally no more change our own sentiments, than the motion of the heavens; nor by a single act of will, that is, by a promise, render any

action agreeable or disagreeable, moral or immoral, which, without that act, wou'd have produc'd contrary impressions, or have been endow'd with different qualities. It wou'd be absurd, therefore, to will any new obligation, that is, any new sentiment of pain or pleasure; nor is it possible, that men cou'd naturally fall into so gross an absurdity. A promise, therefore, is *naturally* something altogether unintelligible, nor is there any act of the mind belonging to it. (Hume, 1978, p. 517, italics Hume's)

Now obligations cannot be motives for acting (Hume, 1978, p. 518). Only passions, such as pleasure and pain, and the natural virtues, such as sympathy, can compel in this manner. Rather, non-natural obligations, such as duties and promises, have their force in and through, natural inclinations, such as the broad sympathy toward humanity that is characteristic of human beings.

The claim is not a causal one. That is to say, natural inclinations do not *cause* non-natural obligations. In fact, they cannot, as the progress of sentiments specifically excludes non-natural kinds. However, they can become *associated* with human inventions designed to function in certain contexts and times. Such is the case with respect to the obligation of promises and other duties. Hume puts the case this way:

Tho' there was no obligation to relieve the miserable, our humanity wou'd lead us to it; and when we omit that duty, the immorality of the omission arises from its being a proof, that we want the natural sentiments of humanity. A father knows it to be his duty to take care of his children: But he has also a natural inclination to it. And if no human creature had that inclination, no one cou'd live under any such obligation. But as there is naturally no inclination to observe promises, distinct from a sense of their obligation; it follows, that fidelity is no natural virtue, and that promises have no force, antecedent to human convention. (Hume, 1978, pp. 518–519)

Note that immorality here arises not from the failure to fulfill the obligation of relieving the miserable, but from the failure to heed a natural sentiment. Also note that obligation as it is referred to here is a *sense*; Hume is adamant that what gives obligations of any sort their *raison d'être* is their basis (though not cause) in sentiment.

This sets up problems for the transmission of obligations from elder to younger, parent to child, and institution to individual. It does so because the model as stated cannot answer the question of how, given that sentiment is at the bottom of all specific (non-natural) obligations, such as keeping promises, choosing to honor agreements, etc., and yet these obligations are not properly part of the progress of sentiments, it is that they can be relied upon to occur. Let me put the problem another way. Hume himself must be skeptical about the capacity of education to assist in the progress of the sentiments, and assign education only an 'assistantship' with respect to their development (p. 500). If this is right, how is it that ethical rules and maxims come to hold such power with and in, individuals and society?²

Either these principles are already 'built in' to the individual as such, which Hume discounts, or education is responsible for them. However, if education is responsible for nurturing them along, (which Hume would dispute) then the progress of sentiments is external and this suggests that not only are sentiments far more germinal than Hume wants to claim, but that the progress is forced. I shall return to this concern at the conclusion of this section.

Adam Smith presents a somewhat different take on the development of the sentiments than does Hume. For while Smith agrees that sympathy is at bottom in the development of moral feelings, he rejects the notion that there is a specific, *moral sense* associated with moral approval (or disapproval).

When we approve of any character or action, the sentiments which we feel, are, according to the foregoing system, derived from four sources, which are in some respects different from one another. First, we sympathize with the motives of the agent; secondly, we enter into the gratitude of those who receive the benefit of his actions; thirdly, we observe that his conduct has been agreeable to the general rules by which those two sympathies generally act; and, last of all, when we consider such actions as making a part of a system of behaviour which tends to promote the happiness either of the individual or of the society, they appear to derive a beauty from the utility, not unlike that which we ascribe to any well-contrived machine. After deducting, in any one particular case, all that must be acknowledged to proceed from some one or other of these four principles, I should be glad to know what remains, and I shall freely allow this overplus to be ascribed to a moral sense, or to any other particular faculty, provided any body will ascertain precisely what this overplus is. (Smith, 1982, p. 326)

Smith's criticism of the possibility of a 'moral sense' is present as well in his estimation of how we come to develop a sense of duty. For Smith, ethics develops out of the 'natural passions', most notably, pity and compassion (Smith, 1982, p. 9). As we have no 'immediate experience of what other men feel, we can form no idea of the manner in which they are affected, but by conceiving what we ourselves should feel in the like situation' (Smith, 1982, p. 9). It is through imagination; the placing of ourselves in the situation of the other, that our sympathy is aroused.

As to what counts as propriety (good behavior) Smith says, 'when the original passions of the person principally concerned are in perfect concord with the sympathetic emotions of the spectator, they necessarily appear to this last just and proper, and suitable to their objects; and, on the contrary, when, upon bringing the case home to himself, he finds that they do not coincide with what he feels, they necessarily appear to him unjust and improper, and unsuitable to the causes which excite them' (Smith, 1982, p. 16). Our proprietary sense towards others is first developed; our sense of inner propriety, that is, duty, follows.

In the same manner, our first moral criticisms are exercised upon the characters and conduct of other people; and we are all very forward to

observe how each of these affects us. But we soon learn, that other people are equally frank with regard to our own. We become anxious to know how far we deserve their censure or applause, and whether to them we must necessarily appear those agreeable or disagreeable creatures which they represent us. We begin, upon this account, to examine our own passions and conduct, and to consider how these must appear to them, by considering how they would appear to us if in their situation. (Smith, 1982, p. 112)

In Smith's estimation, we 'dread blame' (Smith, 1982, p. 113), and this forces our moral criticisms of others to, as it were, turn inward, and keep ourselves in check.

The concern with Smith is rather different from Hume. Whereas Hume's sentimentalism must defend itself against the charge that it has no account, outside of education (which he disputes), of the development of obligation and duties, the concern with Smith is that he does not help us to discover where the 'natural passions' arise from, beyond insisting that they are found in all human beings. Nevertheless, this is unhelpful to us. If passions are simply naturally present in all human beings and sympathy is what is present when one feels pity or misery toward another, then sympathy is merely a circular explanation for why it is human beings come to limit their behavior for the sake of others. And such a circular explanation cannot fend off the charges that, if it is the individual who is developing the disposition to be sympathetic to others and dutiful in regards to oneself, why other passions (such as rage, sorrow, or fear) do not impel us more than they do (as they seem to in difficult times). Is it rather not fear or (as Smith puts it) 'dread of blame', for example, in the form of exile, punishment, or humiliation that motivates us to behave accordingly? In the final analysis, Smith's turn to sympathy leaves too many questions begged. I shall return to this concern in the final section of the paper.

Nel Noddings presents a variant of sentimentalism; one that seems to bond ethics to (natural) sentiment in far more of a direct manner than either Hume or Smith. Noddings's ethics of care is an ethics borne of love and natural inclination (Noddings, 1988, p. 219). Noddings's stress on 'natural' is intentional. Noddings believes that 'natural caring', one's natural inclination to care because of being in a relationship, presages psychologically and developmentally, 'ethical' caring, which develops afterwards (Noddings, 1984, p. 5). Indeed, our longing for natural caring that supplies the motivation for further, ethical caring (Noddings, 1984, p. 5). As Noddings puts it, 'We want to be moral in order to remain in the caring relation and to enhance the ideal of ourselves as one-caring' (Noddings, 1984, p. 5). There is certain continuity here (unlike in Hume) inasmuch as developmentally, natural caring leads directly to ethical caring.

As with Smith, Noddings does not think that external rules are sufficient guides of behavior. 'What we do depends not upon rules, or at least not wholly on rules—not upon a prior determination of what is fair or equitable—but upon a constellation of conditions that is viewed through both the eyes of the one-caring and the eyes of the cared-for' (Noddings, 1984, p. 13). Speaking of the one caring,

Noddings says, 'I do not project; I receive the other into myself, and I see and feel with the other. I become a duality. I am not thus caused to see or to feel—that is, to exhibit certain behavioral signs interpreted as seeing and feeling—for I am committed to the receptivity that permits me to see and to feel in this way. The seeing and feeling are mine, but only partly and temporally mine, as on loan to me' (Noddings, 1984, p. 30). Presumably unlike Smith, though, Noddings claims of mothers that they, '... quite naturally feel with their infants. We do not project our selves into our infants and ask, 'How would I feel if I were wet to the ribs'. We do this only when the natural impulse fails' (Noddings, 1984, p. 31). Noddings is quick to claim this on the basis not of knowledge, but of 'sense'. Thus, unlike Smith, (and with Hume) she does not fall into the trap of claiming to know what it is that cannot be known, though this is at the cost of claiming a moral sense that seems to arise outside of, and is therefore separate from, the (prior) sentiment of natural caring.

Of course, Noddings's primary contention is that 'There can be no ethical sentiment without the initial, enabling [natural] sentiment' (Noddings, 1984, p. 79). According to Noddings, an ethic of caring recognizes that there is such a natural sentiment that prefigures any further, ethical one, and acts as a motivating force, much stronger than Hume's rather loose 'association', for the latter to develop. An ethics of care strives to maintain the caring attitude because it is itself dependent upon natural caring. An ethics of principles, she claims, cannot claim this, because the ground is not in a notion of natural sentiment towards the other (Noddings, 1984, p. 80).

Noddings is quick to refute the notion that she is somehow replacing one form of principle-based ethics with another that suggests that we have a law-like 'duty' to care. Noddings puts it this way. 'But can there be a "demand" to care? There can be, surely, no demand for the initial impulse that arises as a feeling, an inner voice saying "I must do something", in response to the need of the cared-for. This impulse arises naturally, at least occasionally, in the absence of pathology' (Noddings, 1984, p. 81). This 'I must' arises directly and prior to any consideration of what one might do. The 'I must' is an initial feeling. Most of the time, the 'I must' is congruent with the 'I want'. Most of us want to care for others, and act accordingly in forming our situational rules. Occasionally, though, there is conflict, resistance, between my inclinations toward myself and the needs of others. When this occurs, a second sentiment develops. This appears only after the natural sentiment. And this is the 'I ought'. In order to behave in these circumstances as one-caring, we must have recourse to this second sentiment that ethically binds us to the natural sentiment (the caring sensibility) in the absence of a non-conflicted one (Noddings, 1984, p. 82). The ethical sentiment is the *result* of the conflict, though Noddings does not pause to say how the second derives from the first, or whether it is a further, more developed instance of it, or a separate sentiment of its own. Nor are we told about the vital role of education in the force; though presumably in the absence of a claim to the contrary, Noddings agrees with Hume that education cannot produce a sentiment, nor guide it to its ultimate development, rather only support it.

What Noddings is suggesting with all of this is ‘... that our inclination toward and interest in morality derives from caring’ (Noddings, 1984, p. 82). When we care, ‘... we accept the natural impulse to act on behalf of the present other’ (Noddings, 1984, p. 82). The natural impulse does not compel us, though. We can accept it or reject it. If we are moral, then we will have a strong desire not to reject it. We will bring our natural sentiment in line with our ethical sentiment. Moreover, we have good reason for this, inasmuch as we naturally and ethically desire to be in committed relationships with others. This desire is the motivation behind Noddings’s sentiment-based, philosophy of caring.

What is there in Noddings’s work of obligation? For Noddings, what governs our obligations is not an a priori law, or law-like set of principles that exists outside of one’s relations. Rather, it derives from, and is responsive to, our capacity to relate to one another in an already-relating context, and the positive consequences that these entail: This is what Noddings considers the first criterion of obligation.

If the other toward whom we shall act is capable of responding as cared-for and there are no objective conditions that prevent our receiving this response—if, that is, our caring can be completed in the other—then we must meet that other as one-caring. If we do not care naturally, we must call upon our capacity for ethical caring. When we are in relation or when the other has addressed us, we must respond as one caring. The imperative in relation is categorical. When relation has not yet been established, or when it may properly be refused (when no formal chain or natural circle is present), the imperative is more like that of the hypothetical: I must if I wish to (or am able to) move into relation. (Noddings, 1984, p. 86)

There is a second criterion at work here: this is the need of the relation to be dynamic and conducive to growth. Noddings puts it this way: ‘If the possibility of relation is dynamic—if the relation may clearly grow with respect to reciprocity—then the possibility and degree of my obligation also grows. If response is imminent, so also is my obligation’ (Noddings, 1984, p. 87).

Noddings is unique in that she sees ethics and ethical principles as sentimental, though it is again, unclear whether these are separate sentiments or the outgrowth of already existing natural ones. Nevertheless, she deviates from both Hume and Smith. Whereas Hume thought that sympathy was a natural sentiment and Smith did as well, neither thought of ‘duty’ or ‘obligation’ as such. Hume saw these as associative means to keep the passions in check. Smith found these operative in our natural need to reciprocity, but at bottom of reciprocity (at least in terms of duty) was the fear of blame. This was yet another natural passion: for Hume then, there exists no causal connection between natural sentiments on the one hand, and duties or obligations on the other; for Smith, ethical obligations and duties arise from sympathy, but have their *modus vivendi* in fear and blame.

Noddings, in contrast to these, has an ethical sentiment that builds upon a prior, natural one. In terms of allegiance to sentiment, hers is an improvement on both Hume and Smith. Here, the development is organic: ethical sentiments develop out

of the reciprocal relations with others (such as our immediate family) close to us. These ethical sentiments are outgrowths of prior, natural sentiments (our basic need to be cared-for) in response to conflicts. The individual that is cared-for, because in a reciprocal and caring relationship with another, develops a ‘natural impulse’ to care for the other. Noddings tells us that this impulse *just does* develop. This natural impulse arises in both the one caring and the one-cared for. Nevertheless, the impulse is one’s own: it is not the impulse of the other that projects back onto the self, as Smith rightly points out in his thinking on sympathy. The question, then, is, given that we form our own natural, ethical impulses out of natural sentiments (such as sympathy) in response to conflict, and that these then become the ethical sentiments of duty and obligation toward ourselves and others, how is it that we can avoid self-interest in forming these? And given the fact that these are said to arise out of conflicts in specific, caring relationships, what prevents markedly different conflicts in different individuals from resulting in differing ethical duties and obligations—particularly in the face of what I think are obvious similarities in these? What is at stake here is the very plausibility, on Noddings’s account, of our ethical sentiments and duties as being other-centered, rather than self-centered; or, if this is not possible, less self-centered than other-centered. I shall suggest in the final section that a Kantian approach to ethics has a plausible answer to this.

2. A Criticism and Defense of Kantian Ethics

Noddings is heavily critical of principle-based ethics, described variously as moral judgment and the ethics of duty/obligation. One of her strong fears is that, as principle-based ethics spring from duty and not love, they cannot have a say in the different responses that we ought to have in our various relationships. As Noddings puts it: ‘What, under normal circumstances, I must do for a colleague is different from what I must do for my child. I may come to rely almost completely on external rules and, if I do, I become detached from the very heart of morality: the sensibility that calls forth caring’ (Noddings, 1984, p. 47). Further on, Noddings argues that ‘When my infant cries in the night, I not only feel that I must do something but I want to do something. Because I love this child, because I am bonded with him, I want to remove his pain as I would want to remove my own. The “I must” is not a dutiful imperative on its own but one that is accompanied by the “I want”’ (Noddings, 1984, p. 82).

In Noddings’s view, principle-based ethics of the sort that Kant and others prescribe do not and cannot meet this requirement, and thus fail to meet the requirements of an ethics of caring in committed relationships. What Noddings advocates contra Kantian’s and other’s principle-based ethical formulations, is a set of situational rules that vary in response to circumstances and the relationship one has with the other, premised upon the presence of natural sentiments. Kantian ethics of principles, in contrast, do not lead from the natural to the ethical. They merely prescribe. As such, they actually separate and divide, because in following them we lose the natural connection in our zeal to follow the principle over and

above the relationship. This results in unequal treatment and devaluation of the other (Noddings, 1984, p. 5).

For Noddings, Kantian ethics of principles do not take their cue from an inclination in caring, or from committed relationships with others. Inasmuch as they do not, Noddings finds them excessively individualistic and isolationist. Of Kant, she says, 'Kant's moral agent can decide moral questions in solitude. Carers must rub elbows with the recipients of their care' (Noddings, 1988, p. 188). She says, 'A supremely lonely and heroic ethical agent marks both Kantian ethics and the age of individualism' (Noddings, 1988, p. 219). Herein lays Noddings's aforementioned problem with Kantian ethics. As it is not predicated upon natural sentiment, upon love and caring, it cannot help us decide in which relationships our responses are to be stronger or weaker. It cannot operate any differently with respect to ethical action, whether one is a stranger or a close relative, a distant cousin or a spouse. Noddings can find no support in Kant's principle-based ethics for distinctions based upon relationships. And thus, according to Noddings, Kant's ethics cannot be of use to us, inasmuch as it gives us no guidance for operating amongst relationships that most certainly do have profound distinctions and require differing levels of caring.³ I shall now turn to Kant and to one variant of Kantian ethics to see whether he has a response to Noddings's challenge.

Is Noddings correct about Kant's lack of distinction between strangers and peoples in committed relationships? Is his 'ethics of principles' so rigid and formal that it leaves no room whatsoever for the sort of loving, nurturing, indeed, caring activity that is obviously required in the sorts of relationships that Noddings stresses? To see that Noddings is not correct, I turn to Kant and to an expositor of Kantian ethics, Barbara Herman, for further illumination on the topic of the duty towards those closest to us.

On first appearances, it certainly seems as if Kant makes no distinction between one's duty to a stranger and one's duty to a close relative or friend. We are, according to the Formula of Universal Law, '... to act in such a way that I could also will that my maxim should become a universal law' (Kant, 1996a, 4:402). Likewise with Kant's other famous formula, the Formula of Humanity. '[T]he human being and in general every rational being exists as an end in itself, not merely as a means to be used by this or that will at its discretion ...'. (Kant, 1996a, 4:428). There is certainly no hint of a distinction between the various relationships that peoples hold with one another in these (or any of the) famous formulas that Kant expresses. Is Noddings right about Kant not making these crucial distinctions? There is an alternative way to read Kant, one that dispels many of Noddings's fears regarding the supposed rigidity, formality and lack of distinction within Kant's procedure, based on an understanding of the categorical imperative (CI) as being 'educated'. Once the categorical imperative is educated, it guides and helps construct various maxims that we use to get about with our day-to-day moral reasoning.

Noddings claims that the CI is a procedure for judging amongst subjective maxims for illumination as to their moral worth. This is in part true: Kant does sometimes speak of the CI as being such a procedure, particularly in the first book of *The Groundwork of the Metaphysics of Morals*. Equally, there is a long history that

suggests just this reading of the CI is the correct one. Nevertheless, this reading of Kant has largely been discredited or heavily censured: there are other and better ways to read what Kant is attempting to do in discussing the CI.⁴ This is to set the pre-conditions for any logical and practical, attempt at a consistent principle for the guiding of one's moral actions. Noddings is correct in that the CI equates with a logical concern; a concern that ensures that we, in forming our maxims, not contradict ourselves, and that we thereby act as all other reasoning creatures would act. This is the so-called 'logical' function of the CI, and is what has been generally termed by Kant expositors, 'the contradiction in conception'. However, we are also able to form maxims that are practically non-contradictory as well. It is to act such that the agent who attempts to universalize an act is not, under the conditions set by universalization, unable to carry out the universalization. Both the ends and the means to the ends, therefore, must be universalizable. This is what has been generally termed 'the contradiction of the Will', by Kant expositors. All of this is to suggest that a maxim forms not from desire but from duty alone. If done from duty alone, it has moral worth. If it is done from some other basis than duty, it is said to be morally unworthy, even if the 'right' action is the outcome (Kant, 1996a, 4:390; 399–400).

The CI as it is laid out in *Groundwork I* is *not* generally invoked in the determination of specific moral acts in the manner that the above suggests. Kant makes this abundantly clear in a late entry in the *Groundwork I*.

Thus, then, we have arrived, within the moral cognition of common human reason, at its principle, which admittedly does not think so abstractly in a universal form, but in which it actually has always before its eyes and uses as the norm for its appraisals. Here it would be easy to show how common human reason, with this compass in hand, knows very well how to distinguish in every case that comes up what is good and what is evil, what is in conformity with duty or contrary to duty, if, without in the least teaching it anything new, we only, as did Socrates, make it attentive to its own principle ... (Kant 1996a, 4:403–4)

This passage occurs after the famous four examples of maxim testing that have led many interpreters of Kant to conclude that it was his wish that we formed our maxims in such a rigorous manner. Moreover, this passage suggests that we simply do not judge maxims as such, and furthermore, we do not need to—once we realize that there is at bottom of all judgments of moral worth an inviolable principle: that of self-legislation. Further, Kant does not return to solving dilemmas of moral judgment in this way in this text or in any further one. Rather, what is concentrated upon are the various formulae of the metaphysics of morals (*Groundwork II*), the deduction of the principle (*Groundwork III, Critique of Practical Reason*), and the various duties that we have to ourselves and to each other (*The Metaphysics of Morals*), and to their empirical content (*The Anthropology from a Pragmatic Standpoint*).

What becomes of the CI procedure on this reading? One plausible claim (and the one that I here endorse) is that it is 'built in' to the construction of the subjective maxims that we then use in our day-to-day moral decision-making. The

CI manifests itself in what Barbara Herman has called the ‘rules of moral salience’ (RMS). These rules, inasmuch as they are built up and practiced within a network of peoples closely associated with us, are employed in a manner that cannot but have us make distinctions between strangers and those closest to us. These rules suffice for all but the most onerous and perplexing of moral decision-making. For these situations, and these only, the CI is called in ‘consciously’ to provide assistance. This is a point poorly grasped by many: Kantians and non-Kantians alike. As Kant says ‘Some actions are so constituted that their maxim cannot even be thought without contradiction as a universal law of nature, far less could one will that it should become such’ (Kant, 1996a, 4:424). How could this be so? How could the subjective maxim of an act (for that is what is under consideration) be worthy or not, *prima facie*? To answer this, I wish to examine more closely Barbara Herman’s notions of the ‘rules of moral salience’, and the ‘deliberative field’.

Moral agents have ‘... acquired knowledge of the sorts of actions that it is generally not permissible to do and of the sorts of actions that, in the normal course of things, have no moral import’ (Herman, 1993, p. 76). A person already understands ‘that normal prudential or instrumental justifications of actions will not do ... This is the mark of his “conscience”’ (Herman, 1993, p. 77). Thus, Herman argues, there is a ‘moral core’ that people learn in and through their upbringing; one that allows them to ‘identify morally significant elements in the situation[s] ... [they] ... encounter’ (Herman, 1993, p. 82). This ‘moral core’ is what Barbara Herman terms the ‘rules of moral salience’ (RMS). She states, ‘I think of the RMS as an interpretation, in rule form, of the respect for persons (as ends-in-themselves) which is the object of the Moral Law [the famous Formula of Universal Humanity]: their function is to guide in the recognition of those areas where the fact that persons are moral persons ought to instruct agents’ deliberations and actions’ (Herman, 1993, p. 86).

Herman believes that these rules build up through one’s upbringing and one’s education. They help create a moral language and a moral culture. They ‘... instruct about the sorts of actions that need moral justification and the sorts of circumstances to which morality requires a response’ (Herman, 1993, p. 151). Herman argues, ‘... these rules need to establish not just salience but also a deliberative presumption for justifying reasons. Prior to deliberation the agent must both identify her proposed action as of a particular moral kind ... and determine the nature of her interest in the action ... that is to ground a possible rebuttal of the presumption’ (Herman, 1993, p. 151).

How does this happen? When we look at Kant’s discussion of education in the *Metaphysics of Morals* and *Religion within the Bounds of Mere Reason*, we see that, he too, had a similar idea of how one could come to know one’s duties to oneself and others in the deliberative manner that Herman suggests. Further, he had a detailed explanation. Characteristically, it is through education that these duties build up. Moral education of the casuistic sort that Kant recommends, leads to what Kant calls ‘a transformation of mind’, wherein the child, through the development of his skills at spotting both morally worthy and unworthy maxims of actions in actual cases, develops moral character (Kant, 1996c, 6:49). As more and more moral

cases arise, the child gets better and better at testing the maxims therein as to their moral worth. Habituation eventually occurs. Kant hopes that it takes on the attributes of a predisposition or attitude, that it takes its place, as Kant says, ‘... in the heart of the apprentice’ (Kant, 1996c, 6:48–49). Over time, children recognize that there is a moral law to guide actions, and one’s maxims (one’s principles) that one chooses to follow in certain circumstances obey this moral law (Kant, 1996b, 6:480).

One is to learn the procedure for testing maxims (CI) through a casuistic education, and this procedure is in a sense ‘internalized’ such that it is obvious in the construction of most moral decisions. If so, then what of the talk of the CI in the *Groundwork*, the talk that seems to suggest that we *consciously* bring our moral decisions to the arbiter that is the CI? Barbara Herman argues, ‘Kant’s analysis of his own examples in the *Groundwork* ... suggests that the need for judgment characteristically arises when an agent has what he takes to be a good or compelling reason to act to satisfy some interest or need and yet realizes that what he would do violates a known moral precept The question for this agent is whether his is such a case [of exception permissible by the CI]. We may think of the judgment rendered by the CI as showing whether the moral weight the agent is inclined to give his particular circumstances ... is warranted’ (Herman, 1993, p. 77). There is some support for this reading of a ‘conscious’ task for the CI. This is found in *The Metaphysics of Morals*, (Kant, 1996b, 6:224), wherein Kant argues that we occasionally come across moral quandaries in which we form competing maxims that both seem to have moral worth. Kant puts it this way: ‘However, a subject may have, in a rule he prescribes to himself, two grounds of obligation ... one or the other of which is not sufficient to put him under obligation ... so that one of them is not a duty.—When two such grounds conflict with each other, practical philosophy says, not that the stronger obligation takes precedence, but that the stronger ground of obligation prevails ...’. Here, we consider whether the ground of obligation itself is self-legislating or whether it is beholden to some other principle.

Now I am in a better position to take up Noddings’s challenge to Kant. Recall that Noddings had argued Kant’s ethics as rigid and formal, and in particular, unable to distinguish between the sorts of ethical action required for a close relative or friend, as opposed to a stranger. When we look again at Kant’s statements on the development of one’s ethical maxims, and on Herman’s on the development of the ‘rules of moral salience’, we find that Noddings’s fears are unrealized. Let us see why.

One way to account for Noddings’s objections is to suggest that most of our moral actions, and the maxims framed therein, are as the result of interactions with family, friends, acquaintances, and associates; the very people who Noddings is frightened of being left behind in the supposed lack of discrimination. Thus, most of our moral actions arise in the relationships we have with these people. Our duties and obligations concern mainly those in our close relationships, and not strangers, though if for some reason a stranger required assistance (say, her life was in jeopardy) we would, if we were physically and emotionally able, in most circumstances, be compelled to act. However, this is not the same as saying that we have

a duty to every stranger everywhere to alleviate her pain, suffering, and maintain his life, etc. This is a physical and emotional impossibility and is surely not within the capacity of the individual. I do not think this is enough to satisfy Noddings. She could rebut this by arguing that, though one certainly has duties and obligations to those closest, nevertheless, this is not the same as saying that one has caring, concern, and love. She could still argue, in short, that Kant's ethics are destructive of an ethic of care.

The solution to this is to see that the Kantian ethical life is not an externally imposed order. This is often how Kant gets interpreted, and it is frankly misleading. Kant's talk of how the CI is developed is instructive here. Though reason certainly must be self-legislating, and the purpose of the CI is to manifest this basic rule, what is actually being judged are situational maxims that are bound up with the real lives of peoples; peoples often closest to us. When someone learns how to recognize a dutiful maxim from a faulty one, she does not bring an externally imposed rule to bear on an artificial maxim: rather, she judges what to do in a real situation, context, and set of circumstances. She judges the consistency of her principles. The contexts in which these principles occur are everyday situations involving one's relationships with others. As Herman points out, the agent is a rational deliberator. Moreover, 'One's deliberative frame no longer locates one's life at the center or places morality along with other constraints at the boundaries of the external, confining, limiting one's possibilities. The basic field of deliberation contains not only my interests and private projects but also the interests of others as possible sources of claims on my actions and resources. The grounds of obligation partially create the practical world I live in' (Herman, 1993, p. 179).

If certain kinds of relationships are moral relationships, and these relationships are with people closest to us, then the addition of duties actually increases our sensitivity to the needs of these people. I argue that this makes for a stronger and more committed, relationship, in contrast to the relationship one might have with a stranger. In fine, I see no separation between morality and caring; we have duties to strangers, should they become part of our deliberative field. When they do, we begin to have the sorts of relationships with them that Noddings is concerned might be overlooked. We most obviously have duties to friends and family, who, by virtue of their presence in our lives, we care for. The moral dimension reinforces and strengthens this. Indeed, I believe it is fitting to say that morality of the Kantian sort augments one's existing natural sympathies and sentiments, as it adds another dimension to the relationship, through its requirement that one be more attentive to the other's needs.

And herein lays a virtue of the Kantian position. With the developing sense of moral obligation (a lifelong process) comes knowledge about, and practice with, a range of duties. Sentimentalists such as Noddings, Hume, and Smith argue that natural sentiment is the prior sentiment, and Noddings claims that ethical sentiment somehow follows. Noddings chastises Kantian ethics for making principles prior to natural sentiment. I argue that without already present ethical principles existing in our webs of family and community that are then internalized, practiced and made habitual, we would have little more recourse than self-interest (which is

characteristically unpredictable) with which to form ethical sentiment. Hume, Smith and Noddings do not have a workable solution to this paradox, whereas Kantian-based ethics does. On each of these accounts, our ethics and duties are self-centered; as it is through the progression of natural sentiments of the cared-for, they develop. On the Kantian account, though, these principles exist both in *and* outside of the one-caring; in the sentiments of the cared-for but also and equally profoundly, in the rules of moral salience that exist in a deliberative field, in use for and by, the ones-caring.

I believe that our natural sentiment, if we have such a sentiment, expands and deepens because of having something like Rules of Moral Salience to help guide us to discriminate amongst our various subjective maxims. Having a family, community and society-wide notion of what is, for example, right and wrong in various situations, helps us to develop and frame our natural sympathies because we can readily see when and where wrong (and right) is committed and respond sympathetically to this. And this makes us even more responsive to other's needs in our relationships.

3. The Unity of Sentiment and Principle

Noddings's relational ethics of care has as its educational corollary, four major components, as outlined in both *Caring* and in *The Challenge to Care in Schools*. These are modeling, dialogue, practice, and confirmation. I shall briefly rehearse Noddings's requirements from *The Challenge to Care in Schools* here, and then go on to suggest that at least three of these (dialogue, practice, and confirmation) are equally central to the Kantian practice of forming and carrying out, moral judgments, as discussed above.⁵ For Noddings, dialogue is 'open-ended', and 'neither party [in a dialogue] knows at the outset what the outcome or decision will be'. Dialogue 'serves not only to inform the decision under consideration; it also contributes to a habit of mind—that of seeking adequate information on which to make decisions' (Noddings, 1992, p. 22). Dialogue permits us to talk about what we try to show ... Dialogue serves not only to inform the decision under consideration; it also contributes to a habit of mind—that of seeking adequate information on which to make decisions' (Noddings, 1992, p. 22).

For Noddings, practice is based on the notion that, 'attitudes and mentalities are shaped, at least in part, by experience', (Noddings, 1992, p. 22) and that 'If we want people to approach moral life prepared to care, we need to provide opportunities for them to gain skills in caregiving and, more important, to develop the characteristic attitudes [of caring] described earlier' (Noddings, 1992, p. 23). Practice, according to Noddings 'should transform schools and, eventually, the society in which we live' (Noddings, 1992, p. 24). Finally, Noddings speaks of confirmation as 'an act of affirming and encouraging the best in others', (Noddings, 1992, p. 25) in which 'we spot a better self and encourage its development' (Noddings, 1992, p. 25). 'Confirmation cannot be done by formula. A relation of trust must ground it. Continuity is required, because the carer in acting to confirm must know the cared-for well enough to be able to identify motives consonant with reality'

(Noddings, 1992, p. 26). Thus, ‘confirmation cannot be described in terms of strategies; it is a loving act that should occur in schooling in order to meet the challenge to care’ (Noddings, 1992, p. 26).

Certainly, in the context of both maxim-construction, where the development of a robust maxim occurs through gathering the most information possible (from both self and others), and follow-through, that is, acting upon the maxim constructed—both dialogue and practice are in evidence. Dialogue is the very possibility for the development of the Rules of Moral Salience, inasmuch as our rules are developed through the interactions and more specifically, conversations that we have with significant others. Beyond this, dialogue is required to gather the information necessary to construct a maxim in those occasional situations where a moral judgment must take place. Practice, particularly in the form that Kant suggests: the form of deliberating upon maxims constructed, and then acting upon these (follow-through), is most certainly required. In this sense, maxim construction and action exist as a unit.

As for confirmation, Kant is well-known to have said that our moral judgments cannot extend past ourselves and our actions—that is, we cannot, through our judgments upon others’ behavior and motives, act such as to scandalize them by making our judgements public. Due consideration for the respect of others when making one’s moral judgements, chiefly by not advertising them, is paramount. To do otherwise, to disrespect someone by scandalizing them, is contrary to duty. Kant puts it this way,

Respect for the law, which in its subject aspect is called moral feeling, is identical with consciousness of one’s duty. This is why showing respect for a human being as a moral being (holding his duty in highest esteem) is also a duty that others have toward him and a right to which he cannot renounce his claim.—This claim is called a love of honor, and its manifestation in external conduct, respectability An offence against respectability is called scandal, an example of disregarding respectability that might lead others to follow it. To give scandal is quite contrary to duty. But to take scandal at what is merely unconventional ... but otherwise in itself good is a delusion (since one holds what is unusual to be impermissible as well), an error dangerous and destructive to virtue. (Kant 1996b, 464–465)

The point I am making is that Kantian and sentiment-based ethics have parallel concerns and strategies: both encourage dialogue, practice, and confirmation. There is a unity of aims.

Conclusion

I have argued that, inasmuch as our moral development and practice always takes place within a deliberative field (to use Herman’s term) that includes our maxim-formation regarding the relationships we have to others, we cannot but make room for the distinction between strangers and those closest to us. With our ‘rules of

moral salience' to guide us, developed as they are (in part) in the manner Kant discusses in the *Metaphysics of Morals* and *Religion Within the Bounds of Mere Reason*, we are already attuned morally as to what to do in specific contexts and circumstances with others. When we see Kantian ethics this way, maxim-formation that varies according to circumstance and context but does not contradict itself logically or practically predominates. Thus, we do not need, in most instances, recourse to an external principle; the principle is already a part of us. Nor do we worry or fear that, somehow, we will be less sensitive to the needs of strangers than to those most important to us.

Notes

1. Few thinkers other than avowed Kantians find favor with this seemingly rigid and formalistic take on the procedural means to tests maxims. The sentimentalists that I am thinking of are those of the past three decades: Bernard Williams, J. B. Schneewind, Philippa Foot, and Annette Baier. The reader will note that I make a distinction between Kant and Kantian ethics here: though I engage both Kant and Kantian ethics, it is the latter that I chiefly draw upon, through the work of Barbara Herman, in the making this argument.
2. Hume puts the issue this way. 'As publick praise and blame encrease our esteem for justice; so private education and instruction contribute to the same effect. For as parents easily observe, that a man is the more useful, both to himself and others, the greater degree of probity and honour he is endow'd with; and that those principles have greater force, when custom and education assist interest and reflexion: For these reasons they are induc'd to inculcate on their children, from their earliest infancy, the principles of probity, and teach them to regard the observance of those rules, by which society is maintain'd, as worthy and honourable, and their violation as base and infamous' (Hume, 1978, pp. 500–501).
3. Noddings has this to say about the Kantian view in her 1995 textbook, *Philosophy of Education*. 'Many object to the grimness, the Puritanical tone, of ethics of duty. Most of us prefer to be the recipients of acts done out of love, care, or inclination rather than duty. Recognizing this, Kantians have shrunk the moral universe. Those things that are done out of love are often considered not to be moral matters at all, and a considerable literature has been devoted to the problem of separating moral issues from other issues of value. Because the demands of duty are so strict, the field of its application has been reduced in another way. Kantians have greatly emphasized negative duties over positive. As ethical agents, we are constrained not to do things that will interfere with the free agency of others, but we are not often required to perform positive acts to help or to enhance another's growth' (Noddings, 1995, p. 143).
4. The view of Kant as a rigorous formalist who subjects every action to a test of its moral worth has a complex history, of which I cannot here account. Nevertheless, watershed moments can be found in Hegel's ascription of an 'empty formalism' to Kant's moral judging in *The Philosophy of Right*. The continuation of the formalism-inspired readings of Kant continued with the British Idealist sympathizers T. H. Green and Edward Caird in the 19th century. J. H. Muirhead's *Rule and End in Morals*, and R. M. Hare's *The Language of Morals*, all in this century, helped to solidify the view that Kant was an ethical absolutist. The list of Kant expositors that have criticized this view is long. Notables include John Rawls, Lewis-White Beck, Alan Donagan, Christine Korsgaard, Barbara Herman, Thomas Hill, and Onora O'Neill.
5. Kant is suspicious of modeling and indeed, exemplarity, because he is concerned that children will simply emulate the exemplar's actions and not see the actions in terms of

the grounds out of which they arose;—that is to say, the grounds of obligation upon which those maxims are based. Exemplars and models, for Kant, serve only a partial function, and that is to stimulate the child to begin the process of her own maxim-construction. This material is found in the last part of *The Metaphysics of Morals: the Doctrine of the Method of Ethics*.

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