Towards a phenomenology of ethical expertise*

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1. Introduction

Since Husserl published the *Logical Investigations* in 1900, phenomenology, in both its transcendental and existential versions, has made immense contributions to metaphysics, epistemology and the philosophy of action and mind. The same cannot be said of its contribution to ethics. With the exception of Sartre, phenomenologists have had little to say about ethics, and what Sartre has said has had little effect on the course of the subject, perhaps because Sartre takes following moral principles to be a form of inauthenticity.

Our hypothesis is that if one returned to the phenomenon and tried to give a description of ethical experience one might find that phenomenology has a great deal to contribute to contemporary debate, particularly since the focus of discussion has shifted from interest in meta-ethical issues to a debate between those who demand a detached critical morality based on principles that tells us what is *right* and those who defend an ethics based on involvement in a tradition that defines what is *good*. This new confrontation between Kant and Hegel, between *Moralität* and *Sittlichkeit*, has produced two camps which can be identified with Jürgen Habermas and John Rawls on the one hand, and Bernard Williams and Charles Taylor on the other. The same polarity appears in feminism where the Kohlberg scale, which defines the highest stage of moral maturity as the ability to stand

outside the situation and justify one's actions in terms of universal moral principles, is attacked by Carol Gilligan in the name of an intuitive response to the concrete situation.

What one chooses to investigate as the relevant phenomena will prejudice from the start where one stands on these important issues. If one adopts the usual phenomenological approach and begins by investigating intentional content, one will focus on the rationality of moral *judgments*. Husserl (1988) described the goal of his course, *Ethics and Value Theory*, in just this way. Ethics is treated under a general account of rationality and Husserl (1988: 44) goes on to spell out the analogy between practical and theoretical reason in terms of his theory of intentionality.

> The analogy would then require that, corresponding to the distinction between judgment and judgment content ... we can and must distinguish in the practical sphere, willing as act and the content to the willing. (Husserl, 1988: 49)

He (1988: xxiii) proposes:

> The method of a pure immanent essential doctrine of intentionality with respect to both sides of evidence – the consciousness side and the object side. ... for all pure ethical ... principles.

Likewise, on the first page of his classic text, *The Moral Judgment of the Child*, Jean Piaget (1935: vii) explicitly restricts ethics to judgments. He states at the start that "It is the moral judgment that we propose to investigate, not moral behavior ...". And in the conclusion he rediscovers the Husserlian parallel. "Logic is the morality of thought just as morality is the logic of action. ... Pure reason (is) the arbiter both of theoretical reflection and daily practice." (Piaget, 1935: 404)

This is still the approach of Maurice Mandelbaum (1955: 31) in his book *The Phenomenology of Moral Experience*, a recent but unsuccessful attempt to introduce phenomenology into current ethical debate.

> The phenomenological approach's ... essential methodological conviction is that a solution to any of the problems of ethics must be educed from, and verified by, a careful and direct examination of individual moral judgments.

But Mandelbaum does not seem to realize that he has already made a fateful exclusionary move... He (1955: 31) claims that: "Such an approach ... aims to discover the generic characteristics of *all* moral experience."

Why equate moral experience with judgment, rather than with ethical comportment? Mandelbaum's answer to this question is, we think, symptomatic of the intellectualist prejudice embodied in this approach. He

(1955: 48) gives a perceptive nod to spontaneous ethical comportment:

> I sense the embarrassment of a person, and turn the conversation aside; I see a child in danger and catch hold of his hand; I hear a crash and become alert to help.

He (1955: 48–49) notes:

> Actions such as these (of which our daily lives are in no small measure composed) do not ... seem to spring from the self: in such cases I am reacting directly and spontaneously to what confronts me. ... [I]t is appropriate to speak of "reactions" and "responses," for in them no sense of initiative or feeling of responsibility is present. ... [W]e can only say that we acted as we did because the situation extorted that action from us.

Mandelbaum (1955: 48) next contrasts this unthinking and egoless response to the situation with deliberate action in which one experiences the causal power of the "I".

> In "willed" action, on the other hand, the source of action is the self. I act in a specific manner because I wish, or will, to do so. ... the "I" is experienced as being responsible for willed action.

He (1955: 48) continues:

> To give a phenomenological account of this sense of responsibility is not difficult. It is grounded in the fact that every willed action aims at and espouses an envisioned goal. When we envision a goal which transcends what is immediately given, and when we set ourselves to realizing that goal, we feel the action to be *ours*.

And focusing on willed or deliberate action and its goal, we arrive again at rationality.

> In willed actions ... we can give *a reason*: we acted as we did because we aimed to achieve a particular goal. [W]hen asked to explain our action, we feel no hesitation in attributing it to the value of the goal which we aimed to achieve (1955:49).

Thus the phenomenology of moral experience comes to focus on judgment and justification. Granted that one aspect of the moral life and most of moral philosophy has been concerned with choice, responsibility, and justification, we should, nonetheless, take seriously what Mandelbaum sees and immediately dismisses, viz. that most of our everyday ethical comportment consists in unreflective, egoless,[1] responses to the current interpersonal situation. Why not begin on the level of this spontaneous coping?

Several methodological precautions must, then, be born in mind in attempting a phenomenology of the ethical life.

1. We should begin by describing our everyday ongoing ethical coping.
2. We should determine under which conditions deliberation and choice appear.
3. We should beware of making the typical philosophical mistake of reading the structure of deliberation and choice back into our account of everyday coping.

Since our everyday ethical skills seem to have been passed over and even covered up by moral philosophy, we had better begin with some morally neutral area of expertise and delineate its structure. To this end we will lay out a phenomenological description of five stages in the development of expertise, using driving and chess as examples. Only then will we turn to the much more difficult – and for us unfamiliar – questions of the nature of ethical expertise, the place and character of moral judgments, and the stages of moral maturity.

2. A phenomenology of skill acquisition

Stage 1: Novice

Normally, the instruction process begins with the instructor decomposing the task environment into context-free features which the beginner can recognize without benefit of experience. The beginner is then given rules for determining actions on the basis of these features, like a computer following a program.

The student automobile driver learns to recognize such interpretation-free features as speed (indicated by his speedometer). Timing of gear shifts is specified in terms of speed.

The novice chess player learns a numerical value for each type of piece regardless of its position, and the rule: "Always exchange if the total value of pieces captured exceeds the value of pieces lost." But such rigid rules often fail to work. A loaded car stalls on a hill; a beginner in chess falls for every sacrifice.

Stage 2: Advanced beginner

As the novice gains experience actually coping with real situations, he

begins to note, or an instructor points out, perspicuous examples of meaning-ful additional components of the situation. After seeing a sufficient number of examples, the student learns to recognize them. Instructional *maxims* now can refer to these new *situational aspects*. We use the terms *maxims* and *aspects* here to differentiate this form of instruction from the first, where strict *rules* were given as to how to respond to context-free *features*. Since maxims are phrased in terms of aspects they already presuppose experience in the skill domain.

The advanced beginner driver uses (situational) engine sounds as well as (non-situational) speed. He learns the maxim: shift up when the motor sounds like it is racing and down when it sounds like it is straining. No number of words can take the place of a few choice examples of racing and straining sounds.

Similarly, with experience, the chess student begins to recognize such situational aspects of positions as a weakened king's side or a strong pawn structure, despite the lack of precise definitional rules. He is then given maxims to follow, such as attack a weakened king side.

Stage 3: Competence

With increasing experience, the number of features and aspects to be taken account of becomes overwhelming. To cope with this information explosion, the performer learns to adopt a hierarchical view of decision-making. By first choosing a plan, goal or perspective which organizes the situation and by then examining only the small set of features and aspects that he has learned are relevant given that plan, the performer can simplify and improve his performance.

A competent driver leaving the freeway on a curved off-ramp may, after taking into account speed, surface condition, criticality of time, etc., decide he is going too fast. He then has to decide whether to let up on the ac-celerator, remove his foot altogether, or step on the brake. He is relieved when he gets through the curve without a mishap and shaken if he begins to go into a skid.

The class A chess player, here classed as competent, may decide after studying a position that his opponent has weakened his king's defenses so that an attack against the king is a viable goal. If the attack is chosen, features involving weaknesses in his own position created by the attack are ignored as are losses of pieces inessential to the attack. Removing pieces defending the enemy king becomes salient. Successful plans induce euphoria and mistakes are felt in the pit of the stomach.

In both of these cases, we find a common pattern: detached planning,

conscious assessment of elements that are salient with respect to the plan, and analytical rule-guided choice of action, followed by an emotionally involved experience of the outcome. The experience is emotional because choosing a plan, goal or perspective is no simple matter for the competent performer. Nobody gives him any rules for how to choose a perspective, so he has to make up various rules which he then adopts or discards in various situations depending on how they work out. This procedure is frustrating, however, since each rule works on some occasions and fails on others, and no set of objective features and aspects correlates strongly with these successes and failures. Nonetheless the choice is unavoidable. Familiar situations begin to be accompanied by emotions such as hope, fear, etc., but the competent performer strives to suppress these feelings during his detached choice of perspective.

Stage 4: Proficiency

As soon as the competent performer stops reflecting on problematic situations as a detached observer, and stops looking for principles to guide his actions, the gripping, holistic experiences from the competent stage become the basis of the next advance in skill.

Having experienced many emotion-laden situations, chosen plans in each, and having obtained vivid, emotional demonstrations of the adequacy or inadequacy of the plan, the performer involved in the world of the skill, "notices," or "is struck by" a certain plan, goal or perspective. No longer is the spell of involvement broken by detached conscious planning.

Since there are generally far fewer "ways of seeing" than "ways of acting," however, after understanding without conscious effort what is going on, the proficient performer will still have to think about what to do. During this thinking, elements that present themselves as salient are assessed and combined by rule and maxim to produce decisions.

On the basis of prior experience, a proficient driver fearfully approaching a curve on a rainy day may sense that he is traveling too fast. Then, on the basis of such salient elements as visibility, angle of road bank, criticalness of time, etc., he decides whether to let up on the gas, take his foot off the gas or to step on the brake. (These factors were used by the *competent* driver to *decide that* he was speeding.)

The proficient chess player, who is classed a master, can recognize a large repertoire of types of positions. Experiencing a situation as a field of conflicting forces and seeing almost immediately the sense of a position, he sets about calculating the move that best achieves his goal. He may, for

example, know that he should attack, but he must deliberate about how best to do so.

Stage 5: Expertise

The proficient performer, immersed in the world of skillful activity, *sees* what needs to be done, but must *decide* how to do it. With enough experience with a variety of situations, all seen from the same perspective but requiring different tactical decisions, the proficient performer seems gradually to decompose this class of situations into subclasses, each of which share the same decision, single action, or tactic. This allows an immediate intuitive response to each situation.

The expert driver, generally without any attention, not only knows by feel and familiarity when an action such as slowing down is required; he knows how to perform the action without calculating and comparing alternatives. He shifts gears when appropriate with no awareness of his acts. On the off ramp his foot just lifts off the accelerator. What must be done, simply is done.

The expert chess player, classed as an international master or grandmaster, in most situations experiences a compelling sense of the issue and the best move. Excellent chess players can play at the rate of 5–10 seconds a move and even faster without any serious degradation in performance. At this speed they must depend almost entirely on intuition and hardly at all on analysis and comparison of alternatives. We recently performed an experiment in which an international master, Julio Kaplan, was required to add numbers presented to him as a series of beeps about one number per second, while at the sime time playing five-second-a-move chess against a slightly weaker, but master level player. Even with his analytical mind completely occupied by adding numbers, Kaplan more than held his own against the master in a series of games. Deprived of the time necessary to solve problems or construct plans, Kaplan still produced fluid and strategic play.

It seems that beginners make judgments using strict rules and features, but that with talent and a great deal of involved experience the beginner develops into an expert who sees intuitively what to do without applying rules and making judgments at all. The intellectualist tradition has given an accurate description of the beginner and the expert facing an unfamiliar situation, but normally an expert does not *solve problems*. He does not *reason*. He does not even act deliberately. Rather he spontaneously does what has normally worked and, naturally, it normally works.

We are all experts at many tasks, and our everyday coping skills usually

function smoothly and transparently so as to free us to be aware of other aspects of our lives where we are not so skillful. That is why philosophers overlooked them for 2500 years, until pragmatism and phenomenology came along.

John Dewey (1922: 177–178) introduced the distinction between knowing-how and knowing-that to call attention to just such thoughtless mastery of the everyday:

> We may ... be said to *know how* by means of our habits ... We walk and read aloud, we get off and on street cars, we dress and undress, and do a thousand useful acts without thinking of them. We know something, namely, how to do them ... [I]f we choose to call [this] knowledge ... then other things also called knowledge, knowledge *of* and *about* things, knowledge *that* things are thus and so, knowledge that involves reflection and conscious appreciation, remains of a different sort ...

In *Human Encounters in the Social World*, Aron Gurwitsch (1979: 67) gives a precise description of the sort of ego-less awareness which accompanies masterful coping:

> [W]hat is imposed on us to do is not determined by us as someone standing outside the situation simply looking on at it; what occurs and is imposed are rather prescribed by the situation and its own structure; and we do more and greater justice to it the more we let ourselves be guided by it, i.e., the less reserved we are in immersing ourselves in it and subordinating ourselves to it. We find ourselves in a situation and are interwoven with it, encompassed by it, indeed just "absorbed" into it.

We should try to impress on ourselves what a huge amount of our lives – working, getting around, talking, eating, driving, and responding to the needs of others – manifest know-how, and what a small part is spent in the deliberate, effortful, subject/object mode which requires knowing-that. Yet deliberate action, and its extreme form, deliberation, are the ways of acting we tend to notice, and so are the only ones that have been studied in detail by philosophers.

3. Implications of the phenomenology of expertise for ethical experience

The rest of this paper is based on a conditional: *If* the skill model we have proposed is correct, then, in so far as ethical comportment is a form of expertise, we should expect it to exhibit a developmental structure similar to that which we have described above. On analogy with chess and driving it would seem that the budding ethical expert would learn at least some of the ethics of his community by following strict rules, would then go on to

apply contextualized maxims, and, in the highest stage, would leave rules and principles behind and develop more and more refined spontaneous ethical responses.

To take a greatly oversimplified and dramatic example, a child at some point might learn the rule: never lie. Faced with the dilemma posed by Kant – an avowed killer asking the whereabouts of the child's friend – the child might tell the truth. After experiencing regret and guilt over the death of the friend, however, the child would move toward the realization that the rule, "Never lie," like the rule, "Shift at ten miles per hour," needs to be contextualized, and would seek maxims to turn to in different typical situations. Such a maxim might be, "Never lie except when someone might be seriously hurt by telling the truth." Of course, this maxim too would, under some circumstances, lead to regret. Finally, with enough experience, the ethical expert would learn to tell the truth or lie, depending upon the situation, without appeal to rules and maxims.[2]

Since we are assuming that such a spontaneous response exhibits ethical expertise, the parallel with chess and driving expertise raises two difficult questions: (1) What is *ethical* expertise? and (2) how does one learn it? In driving and chess there is a clear criterion of expertise. In chess one either wins or loses, in driving one makes it around a curve or skids off the road. But what, one may well ask, counts as success or failure in ethics? It seems that in ethics what counts as expert performance is doing what those who already are accepted as ethical experts do and approve. Aristotle tells us: "What is best is not evident except to the good man." (V1.12.) This is circular but not viciously so.

Learning exhibits the same circularity. To become an expert in any area of expertise one has to be able to respond to the same types of situations as similar, as do those who are already expert. For example, to play master level chess one has to respond to the same similarities as masters. This basic ability is what one calls having talent in a given domain. In addition, the learner must experience the appropriate satisfaction or regret at the outcome of his response. To become an expert driver one should feel fear not elation as he skids around a curve. Likewise, to acquire ethical expertise one must have the talent to respond to those ethical situations as similar that ethical experts respond to as similar, and one must have the sensibility to experience the socially appropriate sense of satisfaction or regret at the outcome of one's action.[3]

Aristotle was the first to see that expert ethical comportment is spontaneous, and Dewey (1960: 131.Italics ours) repeats his insight:

As Aristotle pointed out … it takes a fine and well-grounded character to *react immediately* with the right approvals and condemnations.

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But, the tradition leads even the most careful to pass over ongoing coping. Thus even Dewey privileges problem solving. In *Theory of the Moral Life* (Dewey, 1960: 131. Italics ours) he tells us:

> [E]ven the good man can trust for enlightenment to his direct responses ... only in *simpler* situations, in those which are already upon the whole familiar. The better he is, the more likely he is to be perplexed as to what to do in *novel, complicated* situations.

This, according to Dewey (1960: 149) arouses deliberation:

> We hesitate, and then hesitation becomes deliberation ... A preference emerges which is intentional and which is based on consciousness of the values which deliberation has brought into view.

Dewey seems here to be equating the simple with the familiar and the novel with the complicated. But if our analogy with the chess grand master can be trusted, Dewey, on this interpretation of the passage, is making a traditional mistake. True, ethical persons can trust their practical wisdom only in familiar situations, but why should these be only the "simple situations"? The chess grand master does, indeed, have a more refined set of discriminations which makes him or her sensitive to differences that fail to affect a merely proficient performer, but this same refined set of distinctions, based on a wider range of familiar situations, is precisely what allows the expert to respond spontaneously to *complex* situations without deliberation. As ethical skills increased one would expect the expert to encounter fewer and fewer breakdowns. Indeed, phenomenological description suggests that the greater the experience, the *rarer* the need for deliberation. The basketball star, Larry Bird, to switch to sports for a moment, is sensitive to more threats and opportunities than his teammates, but this does not mean that he has to deliberate more often. Indeed, he (Levine:1988) says just the opposite:

> [A lot of the] things I do on the court are just reactions to situations ... I don't think about ... the things I'm trying to do ... A lot of times, I've passed the basketball and not realized I've passed it until a moment or so later.

But the mistaken idea that when the situation becomes complex an agent must deliberate – articulate his or her principles and draw conclusions as to how to act – only becomes dangerous when the philosopher reads the structure of deliberation back into the spontaneous response. This intellectualizes the phenomenon. One will then assume that intentional content – what John Searle calls an intention in action, and Kant calls the maxim of the act – underlies all moral comportment.

Even Aristotle, whom Heidegger (1982: 232) lauded as "the last of the

great philosophers who had eyes to see and, what is still more decisive, the energy and tenacity to continue to force inquiry back to the phenomena" seems, in this area, to be corrupted by intellectualism. Like a good phenomenologist dedicated to "saving the phenomena", Aristotle stays close to normal everyday experience and sees the immediate, intuitive response, precisely as characteristic of an expert. "Know-how [*techné*] does not deliberate" he tells us in the *Physics*, (Bk. II, Ch. 8). But when it comes to ethics, he sometimes seems to overlook skillful coping for intentional content. In *The Nicomachean Ethics* (Book II, ch. 4. Our italics) he tells us that to act justly or temperately the agent "must choose the acts, and choose them *for their own sakes*". "Choice" here could be given a non-intellec-tualist reading as meaning responding to the situation by doing one thing rather than another. But that still leaves the troubling claim that the action must be done for the right reason – "for its own sake." It seems that according to Aristotle we must know what the agent thought he was doing – what he was aiming at. This is like saying that good chess players, drivers, and basketball players should be praised or blamed not for their brilliant intuitive responses, but only for what they were *trying* to do. We must be prepared to face the disturbing fact that a person may be responsible for an action he was not intending to perform, and that therefore there may be no intentional content which determines under what aspect we are to judge the action. We can only tell if a person is courageous, for example, by seeing his spontaneous response in many different situations.

In most contexts Aristotle can be interpreted as having understood this, but many commentators seem to go out of their way to emphasize Aristotle's intellectualism. Alasdair MacIntyre (1981: 140) who is willing to correct Aristotle where necessary, tells us that, according to Aristotle: "The genuinely virtuous agent ... acts on the basis of a true and rational judgment." Indeed, in MacIntyre's (1981: 207–208) account of the virtuous life, the moral agent is reduced to a competent performer deliberately choosing among maxims.

> In practical *reasoning* the possession of [an adequate sense of the tradition to which one belongs] ... appears in the kind of capacity for *judgment* which the agent possesses in knowing how to *select* among the relevant stack of *maxims* and how to *apply them* in particular situations. (Italics ours)

Perhaps MacIntyre accepts this view, which would seem to undermine his own position, because he has not understood the nature of intuitive skills. It may be no coincidence that his description of chess expertise sees it as "a certain highly particular kind of analytical skill" (MacIntyre, 1981: 175–176).

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We have shown so far that the level of everyday intuitive ethical exper-
tise, which Aristotle saw was formed by the sort of daily practice that
produces good character, has, from Aristotle himself to Dewey, from
Mandelbaum to MacIntyre, been passed over by philosophers, or, if
recognized, distorted by reading back into it the mental content found in
deliberation. It would be a mistake, however, to become so carried away
with the wonder of spontaneous coping as to deny an important place to
deliberative judgment. Getting deliberation right is half of what
phenomenology has to contribute to the study of ethical expertise. One
should not conclude from the pervasiveness of egoless, situation-governed,
comportment, that thought is always disruptive and inferior.

Heidegger seems to make this mistake in *Being & Time* when he says
that thematic cognizing is a deficient mode of concern. Gurwitsch
(1979: 80) quotes *Being & Time*:

> For cognizing to be possible as inspective determination there must be a
> prior deficiency of a concerned having-to-do with the world.

And corrects Heidegger:

> [I]t is correct that cognizing is only possible on the basis of withdrawing
> from the world, and that the "deficiency of concerned having-to-do"
> forms a condition of its possibility. But, on the other hand, the self-
> sufficiency of cognizing consists of its having its own and entirely
> positive structures which cannot themselves be understood as privations.
> ... *[T]he specific problem-field of cognition in its self-sufficiency is the
> legitimacy basis of phenomenology as Husserl intended and had begun
> to construct it.* (Gurwitsch, 1979: 81)

Perhaps Heidegger was influenced by this critique when he corrected
himself in the margin of the page from which Gurwitsch quoted, noting
that: "Observation has its own primordiality."

Gurwitsch is careful to qualify the self-sufficiency of thought. Indeed,
Gurwitsch, unlike Husserl, sees that observation and deliberation, although
positive, are precisely *not* self-sufficient. He (1979: 81) continues:

> Cognizing, to be sure ... draws its themes from "being in the world,"
> from living in the milieu: if, in the cognitive intention, we are directed to
> the world and make its components present in intentional acts, the target
> of thematic consciousness is that ... with which we are already familiar
> ...

More specifically, expert deliberation is not inferior to intuition, but neither
is it a self-sufficient mental activity that can dispense with intuition. It is
based upon intuition. The intellectualist account of self-sufficient cognition
fails to distinguish the *involved* deliberation of an intuitive expert facing a

familiar but problematic situation from the *detached* deliberation of an expert facing a *novel* situation in which he has no intuition and so, like a beginner, must resort to abstract principles. A chess master confronted with a chess problem, constructed precisely so as not to resemble a position that would show up in a normal game, is reduced to using analysis. Likewise, an ethical expert when confronted with cases of "life-boat morality" may have to fall back on ethical principles. But since *principles* are unable to produce expert behavior, it should be no surprise if falling back on them produces inferior responses. The resulting decisions are necessarily crude since they have not been refined by the experience of the results of a variety of intuitive responses to emotion-laden situations and the learning that comes from subsequent satisfaction and regret. Therefore, in familiar but problematic situations, rather than standing back and applying abstract principles, the expert deliberates about the appropriateness of his *intuitions.* Common as this form of deliberation is, little has been written about such buttressing of intuitive understanding, probably because detached, principle-based, deliberation is often incorrectly seen as the only alternative to intuition.

Let us turn again to the phenomenon. Sometimes, but not often, an intuitive decision-maker finds himself torn between two equally compelling decisions. Presumably this occurs when the current situation lies near the boundary between two discriminable types of situations, each with its own associated action. Occasionally one can compromise between these actions, but often they are incompatible. Only a modified understanding of the current situation can break the tie, so the decision-maker will delay if possible and seek more information. If a decision-maker can afford the time, the decision will be put off until something is learned that leaves only one action intuitively compelling. As Dewey (1960: 131) puts it:

> [T]he only way out [of perplexity] is through examination, inquiry, turning things over in [the] mind till something presents itself, perhaps after prolonged mental fermentation, to which [the good man] can directly react.

Even when an intuitive decision seems obvious, it may not be the best. Dewey (1960: 132) cautions:

> [An expert] is set in his ways, and his immediate appreciations travel in the grooves laid down by his unconsciously formed habits. Hence the spontaneous "intuitions" of value have to be entertained subject to correction, to confirmation and revision, by personal observation of consequences and cross-questioning of their quality and scope.

Aware that his current clear perception may well be the result of a chain of

perspectives with one or more questionable links and so might harbor the dangers of tunnel vision, the wise intuitive decision-maker will attempt to dislodge his current understanding. He will do so by attempting to re-experience the chain of events that led him to see things the way he does, and at each stage he will intentionally focus upon elements not originally seen as important to see if there is an alternative intuitive interpretation. If current understanding cannot be dislodged in this way, the wise decision-maker will enter into dialogue with those who have reached different conclusions. Each will recount a narrative that leads to seeing the current situation in his way and so as demanding his response. Each will try to see things the other's way. This may result in one or the other changing his mind and therefore in final agreement. But, since various experts have different past experiences, there is no reason why they should finally agree. In cases of ethical disagreement, the most that can be claimed is that, given the shared *Sittlichkeit* underlying their expertise, two experts, even when they do not agree, should be able to understand and appreciate each other's decisions. This is as near as expert ethical judgments can or need come to impartiality and universality.

4. Current relevance

But, one might well ask, so what? Transparent, spontaneous, ethical coping might, indeed, occur, but why not begin our philosophical analysis where the tradition has always begun – where there is something interesting to describe, viz., moral judgments, validity claims and justification? Still, before passing over everyday coping as philosophically irrelevant, we should remember that getting the story right about action and mind had huge consequences for the pretensions of a new discipline that calls itself cognitive science. Concentrating on representations, rules, reasoning and problem solving, cognitivists passed over but presupposed a more basic level of coping, and this blindness is now resulting in what more and more researchers are coming to recognize as the degeneration of their research program. (Dreyfus and Dreyfus, 1988) So it behooves us to ask: Does the passing over of ethical expertise have equally important practical implications?

We believe it does. The phenomenology of expertise allows us to sharpen up and take sides in an important contemporary debate. The debate centers on the ethical implications of Lawrence Kohlberg's (1981) cognitivist model of moral development. Kohlberg holds that the development of the capacity for moral judgment follows an invariant pattern. He distinguishes three levels. A Preconventional Level on which the agent tries to

satisfy his needs and avoid punishment; a Conventional Level, during a first stage of which the agent conforms to stereotypical images of majority behavior, and at a second stage follows fixed rules and seeks to retain the given social order; and a Postconventional and Principled Level. The highest stage of this highest level is characterized as follows:

> Regarding what is right, Stage 6 is guided by universal ethical principles. … These are not merely values that are recognized, but are also principles used to generate particular decisions (Kohlberg, 1981: 412).

Jürgen Habermas has taken up Kohlberg's findings and modified them on the basis of his own discourse ethics, adding a seventh stage – acting upon universal procedural principles that make possible arriving at rational agreement through dialogue.

Charles Taylor (1989: 88) has remarked that for Habermas, "'Moral' defines a certain kind of reasoning, which in some unexplained way has in principle priority." Kohlberg's developmental stages are supposed to explain the priority; they serve to give empirical support to Habermas' claim that detached moral reasoning develops out of and is superior to ethical intuition. As Habermas (forthcoming: 162) explains: "The stages of moral judgment form a hierarchy in that the cognitive structures of a higher stage dialectically 'sublate' those of the lower one."

Habermas (1982: 253) sees Kohlberg's work as evidence that moral consciousness begins with involved ethical comportment, but that the highest stages of moral consciousness require the willingness and the ability to "consider moral questions from the hypothetical and disinterested perspective." Thus, according to Habermas, Kohlberg's research lends empirical support to his modified, but still recognizable, Kantian view that the highest level of moral maturity consists in judging actions according to abstract, universal principles. He (forthcoming: 150) tells us that "The normative reference point of the developmental path that Kohlberg analyzes empirically is a principled morality in which we can recognize the main features of discourse ethics."

It follows for Habermas that our Western European morality of abstract justice is developmentally superior to the ethics of any culture lacking universal principles. Furthermore, when the Kohlberg developmental scale is tested in empirical studies of the moral judgments of young men and women, it turns out that men are generally morally more mature than women.

In her book *In a Different Voice*, Carol Gilligan (1982: 27) contests this second result, claiming that the data on which it is based incorporates a male bias. She rests her objection on her analyses of responses to a moral dilemma used in Kohlberg's studies. She explains as follows:

> The dilemma ... was one in the series devised by Kohlberg to measure moral development in adolescence by presenting a conflict between moral norms and exploring the logic of its resolution. ... [A] man named Heinz considers whether or not to steal a drug which he cannot afford to buy, in order so save the life of his wife. ... [T]he description of the dilemma ... is followed by the question, "Should Heinz steal the drug?"

Kohlberg found that morally mature men, i.e., those who have reached Stage 6, tended to answer that Heinz should steal the drug because the right to life is more basic than the right to private property. Women, however, seemed unable to deal with the dilemma in a mature, logical way. Here is Gilligan's (1982: 27–30. Italics ours) analysis of a typical case:

> Seeing in the dilemma not a math problem ... but a narrative of relationships that extends over time, Amy envisions the wife's continuing need for her husband and the husband's continuing concern for his wife and seeks to respond to the druggist's need in a way that would sustain rather than sever connection. ...
>
> Seen in this light, her understanding of morality as arising from the *recognition* of relationship, her *belief* in communication as the mode of conflict resolution, and her *conviction* that the solution to the dilemma will follow from its compelling *representation* seem far from naive or *cognitively* immature.[4]

The first point to note in responding to these interesting observations is that many women are "unable to verbalize or explain the rationale" (Gilligan, 1982: 49) for their moral responses; they stay involved in the situation and trust their intuition. Many men, on the other hand, when faced with a moral problem, attempt to step back and articulate their principles as a way of deciding what to do. Yet as we have seen, principles can never capture the know-how an expert acquires by dealing with, and seeing the outcome of, a large number of concrete situations. Thus, when faced with a dilemma, the expert does not seek principles but, rather, reflects on and tries to sharpen his or her spontaneous intuitions by getting more information until one decision emerges as obvious. Gilligan (1982: 100–101) finds the same phenomenon in her subjects' deliberations:

> The proclivity of women to reconstruct hypothetical dilemmas in terms of the real, *to request or to supply missing information* about the nature of the people and the places where they live, shifts their judgment away from the hierarchical ordering of principles and the formal procedures of decision making.

Gilligan, however, undermines what is radical and fascinating in her discoveries when she seeks her subjects *solutions* to *problems*, and tries to help them articulate the *principles* underlying these solutions. "Amy's moral *judgment* is *grounded* in the belief that, 'if somebody has something

that would keep somebody alive, then it's not right not to give it to them'" (1982: 28. Our italics), she tells us. Yet, if the phenomenology of skillful coping we have presented is right, principles and theories serve only for early stages of learning; no principles or theory "grounds" an expert ethical response, any more than in chess there is a theory or rule that explains a master-level move.

As we would expect, Gilligan's intuitive subjects respond to philosophical questions concerning the principles justifying their actions with tautologies and banalities, e.g., that they try to act in such a way as to make the world a better place in which to live. They might as well say that their highest moral principle is "do something good." If Gilligan had not tried to get her intuitive subjects to formulate their principles for dealing with problems, but had rather investigated how frequently they *had* problems and how they deliberated about their spontaneous ethical comportment when they did, she might well have found evidence that moral maturity results in having fewer problems, and, when problems do arise, being able to act without detaching oneself from the concrete situation, thereby retaining one's ethical intuitions.

The second, and most important, point to consider is that Gilligan correctly detects in Amy's responses to the Heinz dilemma an entirely different approach to the ethical life than acting on universal principles. This is the different voice she is concerned to hear and to elaborate in her book. In answering her critics she makes clear that it is not the central point of her work that these two voices are gendered.

> The title of my book was deliberate, it reads, "in a *different* voice," not "in a *woman's* voice." ... I caution the reader that "this association is not absolute, and the contrasts between male and female voices are presented here to highlight a distinction between two modes of thought ... rather than to represent a generalization about either sex" (Gilligan, 1986: 327).

She calls the two voices "the justice and care perspectives."[5] On one description to be good is to be *principled*, on the other, it is to be *unprincipled*, i.e., without principles.

Although Gilligan does not make the point, it should be obvious to philosophers that we inherit the justice tradition from the Greeks, especially Socrates and Plato. It presupposes that two situations can be the same in the relevant moral respects, and requires principles which treat the same types of situation in the same way. The principle of universalizability thus becomes, with Kant, definitive of the moral. All of us feel the pull of this philosophical position when we seek to be fair, and when we seek universal principles guaranteeing justice and fairness as the basis of our social and political decisions. Moreover, we must resort to universal principles if we

seek to justify what we do as right, rather than simply doing what the wisest in our culture have shown us is appropriate.

The other voice carries the early Christian message that, as Saint Paul put it, "the law is fulfilled", so that henceforth to each situation we should respond with love. Proponents of this view sense that no two situations, and no two people, are ever exactly alike. Even a single individual is constantly changing, for, as one acquires experience, one's responses become constantly more refined. Thus there is no final answer as to what the appropriate response in a particular situation should be. Since two abstractly identical situations will elicit different responses, caring comportment will look like injustice to the philosopher but will look like compassion or mercy to the Christian. We feel the pull of these Christian caring practices when we respond intuitively to the needs of those around us.

It is important to be clear, however, as Gilligan is not, that the care perspective does not entail any particular way of acting – for example, that one should promote intimate human relationships. The Christian command to love one's neighbor does not dictate how that love should be expressed. Caring in its purest form is not ordinary loving; it is doing spontaneously whatever the situation demands. As we have seen, even if two situations were identical in every respect, two ethical experts with different histories would not necessarily respond in the same way. Each person must simply respond as well as he or she can to each unique situation with nothing but experience-based intuition as guide. Heidegger (1962: 346) captures this ethical skill in his notion of *authentic care* as a response to the *unique*, as opposed to the *general*, situation. Authentic caring in this sense is common to *agape* and *phronesis*.

Responding to the general situation occurs when one follows ethical maxims and gives the standard acceptable response. This would correspond to the last stage of Kohlberg's Conventional Level. For Kohlberg and Habermas, on the next Level the learner seeks principled justification. On our model, however, reaching the Postconventional Level would amount to acting with authentic care. When an individual becomes a master of the *Sittlichkeit* he or she no longer tries to do what *one* normally does, but rather responds to the unique situation out of a fund of experience in the culture.

This gets us back to the debate over which is more mature, acting upon rational judgments of rightness, or intuitively doing what the culture deems good. On the one hand, we have Kohlberg's Stage 6 and Habermas' Stage 7 both of which define moral maturity in terms of the ability to detach oneself from the concrete ethical situation and to act on abstract, universal, moral principles. On the other hand, we have Gilligan (and Murphy) (1980: 79) who view the "transition to maturity as a shift from 'the moral environment

to the ethical, from the formal to the existential'." According to this view the mature subject accepts "contextual relativism." Murphy and Gilligan (1980: 80) state the issue as follows:

> There are ... people who are fully formal in their logical thinking and fully principled in their moral judgments; and yet ... are not fully mature in their moral understanding. Conversely, those people whose thinking becomes more relativistic in the sense of being more open to the contextual properties of moral judgments and moral dilemmas frequently fail to be scored at the highest stages of Kohlberg's sequence. Instead, the relativising of their thinking over time is construed as regression or moral equivocation, rather than as a developmental advance.[6]

Habermas (forthcoming: 223) recognizes that "the controversy [raised by Gilligan] has drawn attention to problems which, in the language of the philosophical tradition, pertain to the relation of *morality* to ethical life *(Sittlichkeit)*." He, of course, continues to contend that rational morality is developmentally superior to *Sittlichkeit*. And, indeed, if, like Habermas, one thinks of morality exclusively in terms of *judgments* which are generated by *principles*, the ability to stand back from personal involvement in the situation so as to insure reciprocity and universality become a sign of maturity. But if being good means being able to learn from experience and use what one has learned so as to respond more appropriately to the demands of others in the concrete situation, the highest form of ethical comportment consists in being able to stay involved and to refine one's intuitions. Habermas needs to supply an argument why the development of ethical expertise should follow a different course than the development of expertise in other domains. Otherwise, it looks like we should follow Murphy and Gilligan in recognizing that at the Postconventional Level the learner accepts his intuitive responses, thus reaching a stage of maturity that leaves behind the rules of conventional morality for a new contextualization.

None of the above is meant to deny that an ethical situation could occur so unlike any previous situation that no one would have an expert intuitive response to it. Then no amount of involved deliberation would serve to sharpen the expert's intuitions. In the face of such a total breakdown, and in that case alone, the ethical expert would have to turn to detached reflection. But the need to appeal to principles in cases of total breakdown does not support the claim that ethical comportment normally involves implicit validity claims nor that grasping rational principles of morality is the *telos* of ethical practice. We need to distinguish such breakdown cases from the cases of everyday intuitive ethical comportment and deliberation *internal* to our *Sittlichkeit*. If we fail to distinguish these two sorts of cases and read the breakdown case back into the normal one, then ethical comportment looks

like an incipient form of practical reason and ethical expertise is "rationally reconstructed" as a cognitive capacity which shows the same development as other cognitive capacities – from disequilibrium and perspectivity to reciprocity and reversibility. Thus Habermas (forthcoming: 162) summarizes and endorses Kohlberg's claim:

> [T]he notion of a path of development which can be described in terms of a *hierarchically ordered sequence of structures* is absolutely crucial to Kohlberg's model of developmental stages. ... [T]he lower stage is replaced while at the same time being preserved in a reorganized, more differentiated form.

But Merleau-Ponty has argued against Piaget's intellectualism in the case of perception that there is no reason to think that the sensory-motor skills required in learning to perceive are ever *replaced* by cognitive rules. Likewise, there is no evidence that intuitive ethical expertise can be *replaced* by rational principles. Even if the principles of justice show the sort of equilibrium and reversibility that cognitivists like Piaget hold are characteristic of cognitive maturity, and situated ethical comportment lacks reversibility and universality, this does not show that acting on abstract, universal moral principles is developmentally superior to an intuitive contextual response. The cognitivist move looks plausible only because the tradition has overlooked intuitive deliberation and has read the structure of detached deliberation back into normal ethical comportment.

It is important to see that the above in no way shows that questioning the justice or rightness of aspects of our *Sittlichkeit* is illegitimate or immature. But the demand for fairness and justice in social decision making and for a rational critique of ethical judgments has to exhibit its own developmental stages and requires an independent source of justification. Our skill model is meant neither to contribute to finding grounds for such rightness claims nor to call into question Habermas' important contribution in this area. What we are arguing here is that even if there are claims on us as rational moral agents, acting on such claims cannot be shown to be superior to involved ethical comportment by asserting that such claims are the outcome of a development that makes explicit the abstract rationality implicit in context-dependent ethical comportment. Like any skill, ethical comportment has its *telos* in involved intuitive expertise.

When one measures Gilligan's two types of morality – her two voices – against a phenomenology of expertise, the traditional Western and male belief in the superiority of critical detachment to intuitive involvement is reversed. If, in the name of a cognitivist account of development, one puts ethics and morality on one single developmental scale, the claims of justice, which requires judging that two situations are equivalent so as to be able to

apply universal principles, looks like regression to a competent understanding of the ethical domain, while the caring response to the unique situation stands out as mature practical wisdom.[7] In this case the phenomenology of expertise would not be just an academic corrective to Aristotle, Kant, Husserl, Piaget and Habermas. It would be a step towards righting a wrong to involvement, intuition, and care that traditional philosophy, by passing over skillful coping, has maintained for 2500 years.

Notes

1. "Egoless," as we are using the term, means free of mental content. It does not imply selflessness or self-sacrifice and the like.
2. This is not to deny that, as in driving, a great deal of background skill picked up by imitation and by trial and error is required before one can learn by testing rules.
3. It is easy to see that if one enjoyed skidding one could never become an accepted member of the everyday driving community, (although one might well become an expert stunt driver). Similarly, without a shared ethical sensibility to what is laudable and what condemnable one would go on doing what the experts in the community found inappropriate, develop bad habits, and become what Aristotle calls an unjust person.
4. The cognitivist vocabulary we have italicized should warn us that, in spite of her critique, Gilligan may well have uncritically taken over the cognitivist assumptions underlying Kohlberg's research.
5. For an early intuition that the two voices are, indeed, gendered, at least in our culture, see Nietzsche in *Human all too Human*: "Can women be just at all if they are so used to loving, to feeling immediately pro or con? For this reason they are also less often partial to causes, more often to people; but if to a cause, they immediately become partisan, therefore running its pure, innocent effect. ... What would be more rare than a woman who really knew what science is? The best even nourish in their hearts a secret disdain for it, as if they were somehow superior." (# 416)
6. Again note the cognitivist vocabulary: thinking, judgment, dilemmas.
7. If one accepts the view of expertise presented here, one must accept the superiority of the involved caring self. But our skill model does not support Gilligan's Piagetian claim that the *development* of the self requires crises. Skill learning, and that would seem to be *any* skill learning, requires learning from *mistakes* but not necessarily from *crises*. A crisis would occur when one had to alter one's criterion for what counted as success. Aristotle surely thought that in his culture, the men at least, could develop character without going through crises. The idea of the necessity of moral crises for development goes with an intellectualist view of theory change that may well be true for science but which has nothing to do with selves. This is not to deny that in our pluralistic culture, and especially for those who are given contradictory and distorting roles to play, crises may be necessary. It may well be that women are led into traps concerning success and need crises to get out of them. Thus Gilligan may well be right that crises *in fact* play a crucial role in modern Western women's moral development, even if they are not *necessary*.

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