Morality and interests: a critique of Kohlberg’s ethical theory

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In addition to principles of justice we need principles capable of ranking the objects of claims as better or worse.

The nature of stage 6 ethics

The “cognitive-developmental” theory of moral psychology, worked out in recent years by Lawrence Kohlberg and his associates, has had a great influence on the fields of moral psychology and moral education. Its main philosophical interest, however, lies in the fact that it proposes a certain ethical system not only as the natural outcome of human development, but as a complete and adequate ethical theory as well. After briefly summarizing Kohlberg’s ideas, I wish to argue that his ethics is philosophically unacceptable and requires at least some supplementation in order to fulfill what we must expect of an ethics.

According to Kohlberg, moral thinking takes one of six possible forms, of which the lowest and earliest are pre-conventional and hedonistic, the middle ones conventional in character, and the highest ones “post-conventional” and universalistic. These stages are arranged in ascending order of adequacy, and the human person develops along that order, although a given person may stop temporarily or permanently at some stage below the highest. Regression in this order of stages does not occur, nor is a stage ever skipped by an individual; progress is always forward. For our purposes here it is only the final stage that is of importance, for according to Kohlberg the sixth stage is one of truly moral thinking (or ethical thinking—the two words seem to be used to mean essentially the same thing by Kohlberg). Thus Kohlberg says that “the responses of lower-stage subjects are not moral for the same reasons that responses of higher-stage subjects to aesthetic or other morally neutral matters fail to be moral.” We may therefore put aside the many questions that could be raised concerning the stage structure as a whole and the five lower stages, and concentrate on that “Stage 6” moral theory which, according to Kohlberg, is the ultimate and correct form of ethics. If this ultimate ethics is not satisfactory, then a fortiori the stage theory as a whole will need some revision.

Kohlberg recognizes explicitly the need for a philosophical justification of Stage 6 ethics, and sees rightly that if it is claimed that a progression leads to a “higher” stage, then some criterion besides that of mere progression must be adduced to show that the stage in question is in fact better or superior to the others. In other words, the normative superiority of a stage must be proved philosophically before it can be taken for granted psychologically. Thus what might be called “Stage 6 ethics” must be defended, and may be criticized, as any other philosophical system of ethics is defended or criticized.

Kohlberg defines ethics as a system which mediates among “interests” or “claims” of individuals, a set of principles for adjudicating disputes over competing wants or needs.

A moral conflict is a conflict between competing claims of men; you versus me; you versus a third person . . . Most social situations are not moral, because there is no conflict between the role-taking expectations of one person and another.

To these disputes are applied “moral principles, which we define as principles of choice for resolving conflicts of obligation.” Since moral principles are concerned only with conflicts of interest or desire, they are all basically forms of jus-
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In essence, moral conflicts are conflicts between the claims of persons, and principles for resolving these claims are principles of justice, ‘for giving each his due.’” Morality, then, is a matter of justice, and justice is the sole moral virtue.

Such a theory obviously has roots in Kant and ties to present-day theorists such as Baier, Hare, and Rawls, which Kohlberg acknowledges openly. In this paper I wish to consider whether an ethical system such as Kohlberg’s, consisting solely of principles of justice for arbitrating conflicts of interest, can be philosophically adequate. In particular, I wish to raise two main objections. First, the theory is in fact unable by itself to decide the moral issues it addresses. Second, it fails entirely to address some questions which may plausibly be considered ethical questions. The two objections are linked because they point to the same conclusion as to what (at least) is missing from Kohlberg’s theory.

Justice and decisions among interests

The least that can be expected of Stage 6 ethics is that it solve the problems it claims to solve, that is, that it give us principles by which we can make certain kinds of decisions among competing interests. If it fails to do this, it is incomplete or inadequate as an ethical theory. The kind of question Kohlberg claims to be able to decide may be illustrated by one of the moral dilemmas used in his tests, in which a man named Heinz has a wife dying of cancer and cannot afford to buy the necessary medicine to save her life from the local druggist, who is charging an exorbitant price and will not give it to Heinz for less, or on credit. The question facing Heinz is whether or not to steal the drug, and Kohlberg claims that the Stage 6 thinker will realize that justice, or universalization, an acknowledgement of what he would wish done if he were in each person’s position, requires that the druggist not withhold the drug from Heinz, or that Heinz may legitimately steal it.

Can Kohlberg’s theory handle such problems?

The first thing that must be pointed out is that according to the theory, the interests or claims to be adjusted remain unexamined. If the business of ethics is simply the decision among (pre-existing) claims, then morality can have nothing to say about the claims themselves; they are simply “there,” the irreducible “matter” on which morality begins to operate. No claim or interest per se can be brought into question or rationally criticized, for moral principles apply to it only insofar as it is weighed against other claims.

We can now state a problem. Even to solve conflicts among individuals’ claims, some way of deciding which claim takes precedence is required; but justice tells us only to avoid favoring one person’s claim over another’s unfairly. Unless we distinguish better from worse claims, what grounds have we for “fairly” favoring one claim over the other, when we must decide? Shall we judge them only on their subjective importance to the individual making the claim, or by random selection? A principle of justice demands that we judge impartially, but provides no positive standards by which we may decide once the unjust standards of partiality are removed.

It is true that Kohlberg often invokes some implicit principle of a utilitarian nature, of “the least loss (or the most gain),” in balancing his claims against each other: the selfish druggist in the Heinz example loses less if Heinz steals the drug than would the woman who will die if he does not. But the principle of justice per se gives no grounds for that judgment of “more” or “less”; it merely tells us to accept a “distribution of rights and duties regulated by concepts of equality and reciprocity.” If A and B make claims against us, the principle tells us to treat their claims impartially insofar as they are A’s claim or B’s claim, but it gives us by itself no guide as to differences of “content” in the claims, for instance, whether one is a claim to life and the other a claim to property, and whether that is to be the defining difference in deciding what to do. Kohlberg states that “clearly, the rational so-

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2See, for instance, “From Is to Ought,” p. 204.


5“From Is to Ought,” p. 192.

6“From Is to Ought,” p. 215.

olution is to steal the drug," and observes that "this corresponds to our intuition of the primacy of the woman's right to life over the druggist's right to property."\(^{12}\) But aside from this "intuition," which has no place in Kohlberg's moral theory, no reason is given why the right to life should take precedence over the right to property.

An answer to such a question in terms of role-taking ("If you were the dying woman, which would you prefer?") can delay but not prevent the problem.\(^ {13}\) For this maneuver assumes that the dying woman, the druggist, and the person making the decision all have hierarchies of interest or desire which are sufficiently similar to allow "putting oneself in the other's place" to accurately simulate the other's value-structure. In other words, the plea to the morally recalcitrant person to put himself in the other's place will produce the desired result only if both of those persons would in fact (for reasons left unexplained by the theory) prefer life to property for himself or herself. But certainly there are or have been many persons whose personal scheme of values included goods ranking above those of their lives; and those persons might choose another good over that of their own lives, and so be willing also to make that choice "in another's shoes." Honor, or honesty, might take precedence over even life for the druggist. If the content of the persons' hierarchies of interest varies radically, then the formal move of "reversibility," asking each person to take the others' roles, will not by itself solve the problem or give an unambiguous answer.\(^ {14}\) To do so, it

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\(^{8}\)The example may be found in "From Is to Ought," p. 156, and in most other articles by Kohlberg.


\(^{10}\)Moral Stages and Moralization," p. 40.


\(^{13}\)Cf. "From Is to Ought," p. 174; see also pp. 190-91, 209.

persons, and it would also seem to make some general claim that goods are to be preferred to evils, for instance, pleasures to pains, so that we can have a basis for judging equal ecstasy better than equal agony. For the moment let us call such a theory an “axiology,” and claim that Kohlberg’s ethics, in order to be philosophically adequate, must be supplemented at least by some sort of axiological principle or principles.19

The pursuit of interests in general

I wish now to point out a further problem: Kohlberg’s theory gives us no criteria for judging certain kinds of questions which may plausibly be considered moral or ethical questions. These are questions which ask whether we should pursue a claim, or take an interest, at all, whether we should have an interest which in fact we do not have; or, most generally, whether we should pursue any interests at all.

That this is a fruitful question and the concern not entirely chimerical may be seen by considering the skeptic or nihilist who is involved with questions concerning the “meaning of life” or the “purpose of life.” Should the skeptic ask “Why should I want to live?” or “What good is pleasure in the end? What is the point of fulfilling my random and absurd desires?” Kohlberg’s theory provides no answer. To convince such a person that there is a reason to pursue his or any interests we would have to offer a judgment, not about limiting one’s interests in accordance with justice, but rather about some worthwhileness in seeking some interest or goal.

Of course, one may doubt whether such skepticism is more than an empty philosophical fiction; one seldom

15 “From Is to Ought,” p. 220.
16 Kohlberg alleges repeatedly that the principle of justice implies a demand for freedom or dignity for all persons. But this does not seem to follow immediately and is not proven by Kohlberg. Equal unfreedom is as just as equal freedom; it is outside the sphere of justice that their desirability or lack thereof must be found.
18 This point has been made by Richard S. Peters, in “A Reply to Kohlberg,” Phi Delta Kappan, 56 (June, 1975), p. 678.

really needs to be exhorted to follow one’s desires. But the potential suicide is a practical skeptic of this sort. A person preparing to kill himself may well have concluded that “life is not worth living,” that there is “no point in going on,” no “reason to live,” and be quite ready to act on that judgment. Is there any reason to consider our course of action any better than his? Stage 6 ethics has no reply to make; it gives us reasons to limit our endeavors, but no reason to endeavor. Yet is this not an ethical question, whether or not it is one of justice? And once admitted, the question applies not only to suicide, but to any particular action we may undertake under the name of “interest.” Justice assures me of my rights; but what shall I do with my rights once I have them? What actions are positively worth pursuing?

One may, of course, as Kohlberg does, simply legislate these questions out of the realm of “morality” or “ethics.”

We make no direct claims about the ultimate aims of men, about the good life, or about other problems which a teleological theory must handle. These are problems beyond the scope of the sphere of morality or moral principles, which we define as principles of choice for resolving conflicts of obligation.20

Yet one may ask why such problems should be so summarily read out of ethics. They are legitimate questions, which must be answered; they bear in important ways on human action, on deciding what to do; and they have traditionally been considered a part of the field of study which also includes justice principles. If they are not dealt with in “ethics,” it seems we must simply create a new area of specialization which does deal with them. Is there any more reason to do this than Kohlberg’s conviction that justice must be the sole element of morality?

This might be considered a mere terminological dispute, not worthy of such grave consideration, if the more limited field Kohlberg has called moral thinking, containing only principles of justice, were in fact a complete system of its own, adequately solving problems of social allocation and simply prescinding from questions about the “meaning of life.”

But we have seen in the preceding section that this is not the case, that, even in questions which are obviously justice questions, Kohlberg’s theory is unable to decide the issues without recourse to some additional principles, which I have called “axiological principles.” Yet this fact is suggestive, for it seems that these additional principles are also what would be needed to answer the broader questions as to why any interest should be pursued. The kind of principle that would tell us that one claim is more important than another, and that a just distribution of good is preferable to a just distribution of evil, may also tell us that good is in general worth pursuing, or that certain interests are important or meaningful even when they are not in competition with others’ interests.

If this is true, then there would seem to be an important unity in these two types of questions, which would make it extremely misleading simply to appropriate the name “ethics” or “morality” to one of them and to ignore the other. For if ethical questions such as the Heinz dilemma require not only justice principles, but also axiological principles, for their solution, then both justice and axiology are part of ethics. And if axiological principles turn out also to provide answers to questions as to the value of life or of the activities it contains, then it seems plausible that they too are ethical questions, and that Kohlberg’s theory has also failed to deal with problems that may plausibly be considered to be continuous with those of justice.

**Conclusion**

What is at issue in Kohlberg’s theory is a conception of ethical principles as purely those of justice, universalizability, or reciprocal “role-taking,” and a concomitant conception of ethics as a study solely of problems of competing interests or claims. If my argument has been correct, then such a conception is too limited. For the problems so marked out, those of competing interests, cannot in fact be solved solely by principles of justice. In addition to these we need principles capable of ranking the objects of claims as better or worse, more or less desirable, and thus deciding which claim will prevail. But since these other principles are also ethical principles, it would seem that other problems of human action and decision on which they bear should also be considered as ethical problems, among them questions of what makes life worth living and what reasons may be given in general for pursuing a course of action even when it is not contested by another person. Kohlberg’s Stage 6 ethics, then, is not philosophically adequate, because it fails to solve the problems it is designed to solve, and in addition unduly limits the territory of ethics; it must be supplemented at least by some theory of goods.21

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