

REVISITING “IN A DIFFERENT VOICE”

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This is a transcript of a keynote address given by Carol Gilligan at the Carr Center for Reproductive Justice Conference, Reproductive Rights Law: Where is the Woman? The speech was originally delivered April 1, 2014.

I am delighted to keynote this inaugural Carr Center conference, pleased by the chance to honor my colleague Sarah Burns for her leadership in reproductive rights, to recognize Beth Nash for her vision in creating the Center, and to thank my deans Ricky Revesz and Trevor Morrison for making reproductive justice a central part of NYU Law. But I also welcomed this invitation because by posing the question “Where is the woman?” this conference is the perfect occasion to reflect on an observation that has been with me now for some time. In all the discussion that has followed *In a Different Voice*, the study of pregnant women contemplating abortion is rarely mentioned. Yet that study is the cornerstone of the book and the focus of its two central chapters.

I’m always interested in what can’t be talked about. My ear is tuned to the conversation under the conversation. As an eleven-year-old in one of my studies observed, the fight that broke out at the dinner table over her sister’s refusal to eat the carrots “wasn’t really about the carrots.” When I hear *In a Different Voice* described as a book about girls’ moral development or children’s moral development, I appreciate the resonance people find in my work with girls and my observations about children, but that’s not what the book is about. The insights that led me to call for a different voice—for a shift in the framework of psychological and moral theory—came from listening to pregnant women who were considering abortion in the immediate aftermath of the Supreme Court decision in *Roe v. Wade*. If *In a Different Voice* is, in the words of Harvard University Press, “the little book that started a revolution,” it was these women’s voices that sparked it. In recalling them now, I want to suggest that bringing the voices of “woman” in all her diversity into reproductive rights law may similarly prove revolutionary and also illuminate what the fight over reproductive justice is really about.

Let me begin by setting the scene. The year is 1973. I am an assistant professor at Harvard, interested in identity and moral development and curious about how people respond not to hypothetical moral dilemmas or questions about identity in the abstract but to actual situations of moral conflict and choice—times in life when the road diverges and you have to choose which way to go. My study started with Harvard students who were facing the Vietnam War draft, but in 1973, when

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President Nixon ended the draft and the Supreme Court legalized abortion, it continued with women in the first trimester of a confirmed pregnancy who were considering abortion. The women ranged in age from teenagers to women in their thirties and were diverse in race and social class. They were referred to the study by street-front clinics in Boston's South End, by university health services, and by agencies such as Pre-term and Planned Parenthood. The key move on my part lay in asking not how did a woman resolve the moral problem posed by abortion but how did she frame the choice she was making? Did she construct it in moral terms and if so, what did she see as the moral problem? How did her sense of self come into play? Who was the "I" in the question: "What am I going to do?" or "What should I do?"

The interviews began with the question, "How did you get pregnant and how have you been thinking about it so far?"—which amused the teenagers in the study, confirming their suspicions about how little adults know. The woman was then asked what choices was she considering, how did she think about each, who was involved in making the decision, and finally, whether she thought there was a right way to make this decision, right just for her or for anyone? The women weren't a sample; the study was exploratory, not statistical. But it caught a critical moment in cultural history.

The mid-1970s were the height of the women's movement, the time of *Our Bodies/Ourselves*. Second wave feminism encouraged a woman to claim her body, her self, her voice, and her rights, to see herself as the authority on her own experience, the author of her story, rather than relying on others to tell her what she experienced, what she thought, what she felt or wanted or knew. Most of the women in the abortion decision study were not directly involved with feminism, but it was in the air, part of the *zeitgeist*. There was a general sense of discovering the obvious: women are in fact humans.

Enter the Court. However the ruling in *Roe v. Wade* is understood from a legal standpoint, its psychological impact lay in the challenge it posed to a morality that enjoined a woman to be "selfless"—responsive to others but seemingly without a voice of her own. By giving a woman a legitimate voice in deciding whether to continue or end a pregnancy, the highest court in the land placed its authority on the side of her right to have a voice in making this decision. The voice of the Court thus countered the cacophony of voices that had silenced women in the name of goodness, including the internalized voice that said if someone must be sacrificed, it should be you, especially when it came to anything having to do with motherhood.

The word "selfish" caught my ear as I listened to women speaking about the choice they were making. I would hear a woman call whatever she wanted to do—whether to have the baby or have an abortion—"selfish," while considering it good to do what others wanted her to do or thought she should do. I remember Nina telling me that she was having an abortion because her boyfriend wanted to finish law school and counted on her to support him. When I asked Nina what she wanted to do, she looked startled. "What's wrong with doing something for someone you love?" she asked. "Nothing," I said, and repeated my question. After several iterations of this conversation with the word "selfish" ringing in my ears, I began

asking women, “If it’s good to be empathic and responsive to people’s needs and concerns, why is it selfish to respond to yourself?” And in that historical moment, woman after woman said, “Good question!”

A cultural edifice was crumbling, a structure held in place by the icon of the Angel in the House, the woman who speaks only for others, who is, above all, “selfless.” When Virginia Woolf confessed that she had killed this Angel in order to be able to write, her plea was self-defense: “Had I not killed her, she would have killed me.”

But now, here was the Court, weighing in on the side not of the Angel but of the woman, affirming her right to have a voice and to make a choice.

And also, here was psychology, and with it, the insight—the revolutionary insight—that without a voice, there is no relationship, only the chimera of relationship. To have a voice means to be present, not absent with oneself and with others. The sacrifice of voice for the sake of relationships was psychologically incoherent.

For Janet, a twenty-four-year-old Catholic nurse, married and pregnant again a few months after the birth of her first child, it was having a choice that posed the dilemma. “You have to decide now. Because abortion is available, you have to make a decision. And if it weren’t available, there would be no choice open; you just do what you have to do.” Self-sacrifice had become a decision, a choice rather than a necessity.

Janet initially frames the decision in moral terms as a choice between responsibility and selfishness. Her husband, a roofer, was unemployed, and her doctor advised her that given her scoliosis, a second pregnancy coming so soon after the first would leave her disabled. There were responsible reasons for ending the pregnancy, but, she says, there is another reason, “sort of an emotional reason. I don’t know if it’s selfish or not, but it would really be tying myself down and right now I’m not ready to be tied down with two.”

The opposition between selfish and selfless, egoism and altruism, has been a mainstay of moral thought. It implies that either one acts for oneself or for others. To be selfish, an egoist, is to prioritize oneself; to be selfless, an altruist, means to sacrifice oneself.

Listening to Janet, we hear her questioning this construction. She doesn’t know if it’s selfish or not to consider her own feelings about continuing the pregnancy. When I ask if acting morally means acting according to what is best for the self or whether it is a matter of self-sacrifice, she says “I don’t know if I really understand the question. In my situation, where I want to have the abortion and if I didn’t if would be self-sacrificing, I am really in the middle of both these ways.” Seeking to convey how she thinks about morality, she says, “I think my morality is strong, and if these reasons—financial, physical reality, and also for the whole family involved—were not here, that I wouldn’t have to do it, and then it would be a self-sacrifice.”

It’s hard to follow the logic of this, in part because the framework is shifting. Self-sacrifice still has a grip on Janet’s understanding of what it means to be moral. If she has good reasons—financial, physical, concerns about her family—she can justify not sacrificing herself and still consider herself a good person. But Janet

experiences herself as living not apart from but in connection with others. She is, as she says, in the middle of both these ways; both herself and also part of her family. In this light, her responsibility to others includes being responsible to herself. A psychological logic joins a moral logic as Janet begins to reframe the dilemma as a problem of relationship: how to act responsibly or responsively, carefully rather than carelessly in relation to everyone involved. The first demand then is for honesty: to know what you are doing.

Janet is clear that abortion “is taking a life. Even though it’s not formed, it is the potential...I can’t cover it over, because I believe this, and if I do try to cover it over, I know that I am going to be in a mess. It will be denying what I am really doing.” She also realizes that if she covers her feelings by “putting them under,” she will be in trouble. But the pregnancy does not just involve the fetus and herself; it is nested in a web of relationships that is already under strain.

Listening to Janet thread her way toward decision, we recognize familiar moral markers: “selfish,” “right,” “fair,” and “good.” But we notice that the word “good” is now attached not to self-sacrifice but to making a decision that is “honest” and “real.”

I think in a way I am selfish and very emotional, and I think that I am a very real person and an understanding person, and I can handle life situations fairly well, so I am basing a lot of it on my ability to do the things that I feel are right and best for me and whomever I am involved with. I think I was very fair to myself about the decision, and I really think that I have been truthful, not hiding anything, bringing out all the feelings involved. I feel it is a good decision and an honest one, a real decision.

Janet is walking on an unfamiliar landscape, an uncharted moral terrain. Her thinking is off the map of the public abortion debate. She does not frame the problem as a conflict of rights. She does not isolate the moral dilemma from the context in which it is embedded. She does not separate herself from her relationships or divide her thoughts from her emotions. Her voice is different.

What made the “different voice” different was not the association with women. Women have many voices, and this is only one and by no means limited to women or characteristic of all women. The difference arose from the integration of thought with emotions and self with relationships. It was a voice that spoke from a premise of connectedness rather than of separateness; our lives are embedded in a network of relationships, as humans we are interdependent. It’s the understanding of the human condition that Martin Luther King articulates in his letter from the Birmingham jail: “We are caught in an inescapable network of mutuality, tied in a single garment of destiny. What affects one directly affects all indirectly.”

From this vantage point, the parameters of judgment and action shift. I have written at length about this paradigm shift, explaining that it does not mean choosing relationships over self or caring over justice. Instead, it signifies a change in the question. Rather than seeking to establish whose rights take precedence in a contest of rights, the question becomes how to act in a network of mutuality where what affects one directly affects all indirectly. Like walking on a trampoline.

The shift in the framework is nowhere more evident than in the rejection of selflessness as the epitome of goodness. Janet's skepticism about the goodness of self-sacrifice does not lead her to embrace selfishness or to justify acting on the basis of "what is right and best for me." If we follow the logic of her thinking and strive to hear her voice in its own terms and with its own integrity, we see her coming to the perception that selflessness, rather than being emblematic of goodness, is in fact morally problematic because it signifies an abdication of voice and thus an evasion of both responsibility and relationship. To make a good decision, one that is both honest and real, it is necessary to claim one's voice, to stay in relationship, and to strive to be as aware as you can of what you are doing.

Sharon, a woman in her thirties, explains: "The only way I know [to make a moral decision] is to try to be as awake as possible, to try to know the range of what you feel, to try to consider all that's involved, to be as aware as you can be of what's going on, as conscious as you can of where you're walking." Asked if there are principles that guide her, she says,

The principle would have something to do with responsibility, responsibility and caring about yourself and others. But it's not that on the one hand you choose to be responsible and on the other hand you choose to be irresponsible. Both ways you can be responsible. That's why there's not just a principle that once you take hold of you settle. The principle put into practice is still going to leave you with conflict.

This is a very different model of ethical choice, one that is psychologically informed by the recognition that a dilemma implies conflict and that choice involves loss. The challenge becomes how to act in the face of conflict and how to live with loss. To Sharon, this means acting responsibly and caring about both yourself and others. But it also means facing the limits of care.

For Sarah, the conflict was intense. Pregnant again by the same man and facing a second abortion because she could see no way to raise a child by herself in the absence of emotional and financial support, she realized that the pregnancy reflected a failure to care for and protect herself—a failure that leaves her unable to care for and protect a child. She had, she says, been absent rather than present, masking the truth and "deluding" herself. Now "I just feel a lot of loss." Reflecting on her sense of herself and the way she had been living, Sarah in effect is asking the question posed by this conference, "Where is the woman?"—which for the woman means asking, "Where am I?"

The failure to ask this question left fifteen-year-old Lisa in a mess. Believing her boyfriend's protestations of love and acceding at the last minute to his wish "not to murder his child," she walked out of Pre-term and became something of a poster child for the Right to Life Movement. But once the child was born, the right-to-lifers were nowhere in evidence. Abandoned by her boyfriend, disowned by her father, out of school and dependent on welfare to support herself and the child, Lisa has become unrecognizable to herself. How could an act of love, she asks, have led to such desolation and loss?

In a study conducted in a township in South Africa, the psychologist Lou-Marie Kruger found that mothers who were diagnosed as depressed were in fact

angry about raising a child in conditions that made it impossible for them to do so in a way they could respect. Many took out their anger on the child. Kruger writes that by locating the problem in the woman, the diagnosis of depression served to deflect attention from the sources of her anger and thus from addressing the social conditions that fueled it.

In *Mothers and Others: The Evolutionary Origins of Mutual Understanding*, the evolutionary anthropologist Sarah Blaffer Hrdy exposes as myth or projections many assumptions about mothers and families that have been taken as sacrosanct. It's rather a shock to read her book and recognize the extent to which social policies have been and continue to be based on false premises. For example, the need for exclusive maternal care or continuous contact between mother and child that seemed so self-evident to the psychologist John Bowlby as well as to Darwin turns out to be a projection, perhaps unconscious, of "pre-conceived Western ideals of how a mother *should* care for her child." In reality, it's not exclusive maternal care but alloparenting—the investment of others who are not the biological parents in the child's survival—that was, and may well be, key to our survival as a species. Similarly, the nuclear family is neither traditional nor original in an evolutionary sense. We evolved as "communal breeders." According to a recent study conducted by the developmental psychologist Michael Tomasello, the ideal conditions for raising a child are ones where there are at least three committed relationships, meaning three relationships (gender nonspecific) that convey the clear message: you will be cared for no matter what. It is not exclusive maternal care or the nuclear family but alloparenting and extended families that are coded into our genes. Evolution selected for empathy, mind-reading, and cooperation—the components of mutual understanding—because it was crucial that a child engage with others in order to survive and reproduce.

The primatologist Frans de Waal has called for "a complete overhaul in our assumptions about human nature," given the recognition that "empathy is part of our evolution, and not just a recent part but an innate, age-old capacity." The neurobiologist Antonio Damasio reports that our nervous systems are wired to connect mind and body, thought and emotion. In *The Feeling of What Happens: Body and Emotion in the Making of Consciousness*, he writes about core consciousness or a core sense of self, grounded in the body and in emotions. In our bodies and our emotions, we register our experience from moment to moment, picking up the music or the feeling of what happens, which then plays in our minds and thoughts. In *Descartes's Error*, Damasio had noted that the separation of thought from emotion, once considered a milestone of cognitive and moral development, was a manifestation of brain injury or trauma. When we separate our thoughts from our emotions, we retain the capacity to solve logical problems but we lose the ability to register our experience and to navigate the human social world.

In a Different Voice had similarly challenged the separation of the self from relationships, also considered a milestone of development, by showing how this separation impairs our relational intelligence and moral capacity. The studies of development that followed *In a Different Voice*, the ten-year project on girls' development and the studies of boys conducted by Judy Chu and Niobe Way, pinpointed times of initiation when the separation of the self from relationships is

culturally sanctioned and enforced through shaming. The initiation is driven by gender. A gender binary that bifurcates human qualities into “masculine” or “feminine” and a gender hierarchy force rifts in the psyche, impairing basic human capacities and dividing everyone from parts of their humanity. Reason and self (masculine) become separated from and privileged over emotions and relationships (feminine), compromising the ability to love and to participate as citizens in a democratic society.

This disruption of human relational capacities, however, is essential to the establishment of hierarchy. The gender binary and hierarchy are the building blocks of a patriarchal order, where being a man means not being a woman or like a woman, and also being on top. As an order of living based on gender, patriarchy is in tension with democracy, which rests on a premise of equality. But in splitting human capacities into masculine or feminine, patriarchy is in tension with human nature. Hence the need for initiation and the force brought to bear on children to incorporate into themselves the gender binaries and hierarchies of a patriarchal order.

The initiation of boys begins at the end of early childhood, roughly between four and seven, when to be a “real boy” or one of the boys, a boy must dissociate from or shield those aspects of himself that would lead him to be called “girly” or “gay.” This induction replays in late adolescence when boys must learn, on the words of one of the boys in Way’s studies, “how to be more of a man.” Girls, however, are of interest to patriarchy only when they reach reproductive maturity. Consequently, their initiation begins at adolescence. This is the time when girls are divided into good girls and bad girls on the basis of their sexual and reproductive behavior. The pressures on girls to separate themselves from their bodies and subordinate their desires to those of others set the stage for controlling their reproductive capacity and their sexuality. Hence the importance of reproductive laws and justice; will the lives of girls and women be governed in accordance with democratic or patriarchal values?

From a developmental standpoint, there is a vast difference between initiating children at four and five and waiting until adolescence. By adolescence, children have a greater wealth of experience to draw upon and also a greater capacity to reflect on what is happening to them. For this reason, girls and women are more apt to spot the difference between how things are and how things are said to be and to name the patriarchal story as a false story, falsely gendered and false in its representation of human nature. This is why the question, “Where is the woman?” or, for the woman, “Where am I?” is revolutionary.

I have come to the crux of the matter. The abortion decision study was revelatory because it broke a frame that had not been recognized as a frame. Listening to women describing their struggles over whether to continue or abort a pregnancy shifted the frame by revealing relationships where separateness had been assumed. The study thus called into question how self and morality, relationships and rationality had been conceived. It disrupted a conversation about autonomy by revealing it to be an illusion sustained by blinding ourselves to the web of relationships in which our lives are embedded. Think of Emerson alone in his study writing about autonomy, maintained by a household—women,

servants—on whose silence he depends. Once they speak, the autonomy looks much less autonomous.

I am suggesting that the inattention to “woman” in her rich diversity and the dismissal of her experiences as inconsequential to reproductive rights law are not simply an oversight or an instance of misogyny. They are vital to maintaining a view of the world that denies interdependence. Because women live intimately with men, whether as mothers or sisters or daughters or lovers, women’s silence is also essential to preserving an image of manhood that hides vulnerability. The pregnancy dilemma was revealing precisely because it illuminated interdependence and vulnerability—and this, I suspect is what we don’t want to talk about.

I don’t think it’s possible to achieve reproductive justice or to hear the voices of women without changing the terms of the public conversation. I am not a legal scholar but to bring the humanity and humane experiences that women centrally represent in our struggles over reproduction and its regulation into the law means creating a framework in which concerns about responsibility and relationships and a recognition of what caring entails can be heard as germane to reproductive rights and freedom.

Gender is at the heart of our battles over reproductive rights, and it is my impression that gender remains a difficult subject for us to talk about. More difficult now perhaps, given that the advances of the past half-century have brought the contradictions between patriarchy and democracy out into the open. I suspect that when we fight over regulating reproduction, this is what we are really fighting about.

In the final week last fall of the seminar *Resisting Injustice* that David Richards and I reach at NYU Law, the students read David’s recent book, *Resisting Injustice and the Feminist Ethics of Care in the Age of Obama*. As the prompt for the weekly response paper, David and I asked the students to engage with his thesis that we have now reached a point in history where democracy is psychologically possible because feminism, understood in terms of its ethics of care, makes possible the achievement of equality of voice in our personal and political lives. In our personal lives, democracy means equality of voice in relationships; politically, it means giving equal voice to everyone, especially stigmatized minorities. David cautioned the students that in considering his argument, they had to take seriously a feminism that radically challenges the gender binary and hierarchy at the heart of patriarchy. Otherwise, the cycle of violence is inescapable.

The caution proved futile. The word “feminist” stuck in their throats. The students explained that in popular culture, feminism means women’s oppression of men. It was as though a wall had come down. This notably intelligent, progressive, and diverse group of law students had read *Joining the Resistance* where I directly challenge the understanding of feminism as an issue of women (not men) or a battle of women vs. men—terms that retain the gender binary and hierarchy that feminism set out to contest. In the seminar, we had discussed in detail the psychological and moral injuries that patriarchy inflicts on both women and men. The students had read Judy Chu’s *When Boys Become Boys* and Niobe Way’s *Deep Secrets*—books that illuminate the costs of patriarchal masculinity to boys. They knew my definition of feminism as one of the great liberation movements of

human history: the movement to free democracy from patriarchy. Several students suggested replacing “feminist” with “humanist” ethics of care.

Richards, a constitution law scholar and moral philosopher, responded that there was something quite radical in his understanding of feminism. For him, the role gender plays in silencing voice had been an ethical discovery. In his view, democracy gives enormous weight to equal voice in relationships. An understanding of relationships that places a central value on equal voice is integral to liberal and social democratic political theory. Because the gender binary and hierarchy disrupt human relationality, they prevent us from seeing what is right before our eyes. For this reason, as he wrote in his book, “challenging the gender binary is at the heart of [ethical] resistance, exposing the vicious lies and violence that divide us from our humanity.”

The students objected that feminism privileges gender over race and class. David observed that in the 1960s, feminism had taken a distinctive form in that the fight for rights became preoccupied with issues of voice. A political argument was joined to a psychological argument. If you shut people up, giving them the vote is inconsequential. Hierarchy in all of its forms requires and enforces a suppression of voice, but the mechanism of silencing is deeply gendered. By telling men it is unmanly to say certain things and women that it is unseemly to say certain things, the enforced gender binary silences ethical resistance to injustice. A feminist ethics of care was a new voice that exposed most of earlier ethics as corrupt and unjust in the same way that democracy has been corrupted by the role patriarchy has been permitted to play in our politics. The problem of voice is a problem of silencing voice, which a feminist ethic of care addressed.

The seminar ended with a question. Does a feminist ethics of care make democracy psychologically possible by exposing and challenging the moral injury that patriarchy inflicts on both women and men? Or has feminism as commonly understood become an impediment to transcending divisions that stand in the way of recognizing our common humanity?

Listening to the conversation in class that day, I was struck by how difficult it is to shift a framework. The discussion of oppression kept reverting to binaries and hierarchies: race vs. gender, is a black woman black or a woman first? I had introduced the term “feminist ethic of care” to make a critical distinction. Within a patriarchal framework, care is a “feminine” ethic. A feminine ethic of care preserves hierarchy by silencing women in the name of morality. It strangles voice by enforcing selflessness—the morality of the Angel in the House. The readiness of many women in the seminar to sacrifice a feminist voice for the good of humanity led me to suspect that this Angel, in some modern garb, is still in our midst.

Within a democratic framework, care is a human ethic, as the students saw. A feminist ethic of care frees women from the prison of self-silencing. But it also frees men. In *The Breakfast Club*, a coming of age movie written and directed by John Hughes and acclaimed as one of the greatest high school films of all time, one of the boys says, “When you grow up, your heart dies.”

With the paradigm shift in the human sciences, insights first prompted by *In a Different Voice* have become joined to a change in the questions pertaining to moral

development. Rather than asking how do we gain the capacity to care, how do we learn to take the point of view of the other or overcome the pursuit of self-interest, we are prompted to ask instead: how do we lose the capacity to care, what impedes our ability to empathize with others and pick up the emotional climate, and most painfully, how do we lose the capacity to love? It is the absence of care or the failure to care that calls for explanation.

The fight for reproductive justice is a fight to free democracy from patriarchy. Both men and women have a stake in healing the break in relationship exposed by the question "Where is the woman?" But the future also is at stake. Sarah Hrdy observes that "patriarchal ideologies that focused on the chastity of women and the perpetuation and augmentation of male lineages undercut the long-standing priority of putting children's well-being first." In our struggle over reproduction and its regulation, the voices of "woman" can be counted on to keep this at the forefront of our attention.

By giving this struggle a home at NYU Law, the Carr Center redresses the imbalance between the demand for and the significance of work in the area of reproductive rights and the attention and resources previously allotted to it. It promises an end to the dearth of scholarship in the area of reproductive rights law and provides the setting for the kind of interdisciplinary work that is needed. As we have already seen in the recently filed amicus brief, the Center is poised to take action to resist injustice. And, as the recent presidential campaign made starkly apparent along with the continuing efforts to legislate control over women's reproductive capacities, the time to act is now.