THE JUSTIFICATION-APPLICATION SPECTRUM:
Exploring Seyla Benhabib's Reconciliation of the Generalized and Concrete Others

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INTRODUCTION

A former athlete at my local badminton club recently posted an article on *Medium* alleging sexual harassment against one of the coaches at the club. Her article included descriptions of her personal experiences with the coach, as well as the first-person testimony of other teenage players at the club, who alleged that the coach had given inappropriate massages and made sexually suggestive comments to the teenage badminton players at the club. In the article, the author wrote that she had reported her experiences with the coach to *SafeSport*, the governing body that oversees athletes' safety. Unfortunately, SafeSport had failed to complete an investigation into the coach at the time when the author's complaints were reported; local law enforcement also failed to find evidence of a crime.

Almost immediately after it was posted, reshares of the article erupted on Facebook. Some female athletes shared the article and added stories of their own experiences with the coach that corroborated the narrative put forth in the *Medium* article. Yet others—many of whom were the victims' classmates and training mates—posted long Facebook statuses attesting to the coach's character and asked readers to give the coach the "benefit of the doubt". The overarching thrust of their argument was that judgment should be withheld until the coach had a chance to publish a statement in defense of his actions.

Both views present compelling arguments that have been defended at length in philosophical literature about the rights of sexual assault survivors and the rights of the accused, respectively.

To be a feminist and a supporter of the *#metoo* movement requires that survivors of assault and their personal narratives be taken seriously. Yet, one might still wonder how it can be just to deny the accused a chance to defend their action. Contemporary problems, like the treatment of sexual assault in the media and popular culture, are as discursive as they are social because they raise questions about what perspectives are most important in a dialogue about each incident, and what form our public conversations about events ought to take.

In particular, the responses to the article present an important tension between competing values: personal experiences, which come already grounded in a framework of identity and power central to subject positioning, and universal and purportedly identity-independent principles that govern justice in societies. To navigate the relationship between both of these values, I turn to Seyla Benhabib's work on discourse ethics. Refining our discourse, she argues, is the best way to mediate and balance abstract principles of justice with attention to non-abstract experiences, emotions, and identities. [1]

BENHABIB'S COMMUNICATIVE ETHICS

Seyla Benhabib, in her exploration of the embodied self, writes of two different conceptions of identity: the Generalized Other and the Concrete Other.[2] For Benhabib, the study of subjectivity is an important consideration for the study of ethics because philosophers like Kant and Rawls have historically derived normative claims from their descriptive assumptions about the subject.[3] In this tradition, universalist philosophers assume the standpoint of the Generalized Other; that is, subjects are constituted by rationality and should be subject to the same formal laws of reciprocity and equality that we would ask of ourselves.[4] Disparities like those that race and gender can only be remedied by a system of norms that require one to abstract from their personal identities so that they can objectively consider the interests of others and society as a whole. However, in opposition to the universalist tradition, moral psychologists like Carol Gilligan have identified the necessity of adopting the standpoint of the Concrete Other; a subject for which individual history, identity, and desires are important.[5] As Benhabib puts it—in the context of the Concrete Other—one views subjects in terms of their "concrete history, identity, and affective-emotional constitution […] we abstract from what constitutes our commonality."[6] The female badminton players referenced in the introduction spoke from Concrete standpoints, which can be corroborated through their use of personal narratives, emotions, and their discussion of power imbalances in their experiences with the coach. Those in defense of the coach took a Generalized standpoint wherein they drew on abstract, Rawlsian principles of justice like the rights of the accused and of formal legal inquiry. Though it may be compelling to think of the Generalized and Concrete Others as diametrically opposed conceptions of subjectivity,

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1 Seyla Benhabib, "The Generalized and the Concrete Other: The Kohlberg-Gilligan Controversy and Feminist Theory." *PRAXIS International*, no. 4 (1985): 416.
2 Benhabib, *The Generalized and The Concrete Other*, 415.
3 Benhabib, *The Generalized and The Concrete Other*, 408-409.
4 Benhabib, *The Generalized and The Concrete Other*, 414.
5 Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development*. (Cambridge, MA: Harvard University Press, 1936), 100-101.
6 Benhabib, *The Generalized and The Concrete Other*, 411.

Benhabib's argument is that reconciling the two is necessary for any moral theory; both conceptions of the self are important in different scenarios. As a way of reconciling or navigating an interplay between the Generalized and Concrete others, Benhabib proposes the idea of *communicative ethics*, which consists of the following four principles:[7]

> 1. That participants in the dialogue inquire about what others would want if they were the affected party.

> 2. That there exist no epistemic constraints within the dialogue; in other words, factors related to either universal principles, or to particularized, historically contingent principles, ought to be recognized as important in good dialogues, and ought to thereby give merit to both the Generalized and Concrete Others.

> 3. That there be no restrictions on the moral domain, which is to say, that all choices merit ethical consideration by virtue of the fact that one of them could involve either value judgments from, or interactions with, others.

> 4. That the "rules," practices, and guidelines of the dialogue are subject to change.

Benhabib defends the communicative ethics from critics in her work, "In Defense of Universalism: Yet Again!", by clarifying that the act of deliberation *itself* sufficiently solves the problems that critics believe would arise in her discursive framework.[8] Benhabib's thesis, which I will elaborate and expand on in the next section, is that when misrecognition of the Concrete Other occurs, having a conversation about it and correcting the misunderstanding is a prerequisite to resolving disagreements, both factual and moral. A communicative ethics is therefore an innately self-correcting system.

ANSWERING ASYMMETRICAL RECIPROCITY

Iris Marion Young responds to Benhabib's "The Generalized and The Concrete Other" in "Asymmetrical Reciprocity: on Moral Respect, Wonder, and Elongated Thought," wherein she argues that the process of universalizing, or imagining what another agent would want, goes awry when agents *substitute* their perception of another agent's desires over what those desires actually are.[9] In some cases, substitution may be a well-intentioned misunderstanding, such as a person mistakenly buying a gift that is already owned by the recipient. Other cases of substitution, like paternalistic substitution, are far more concerning; this would be akin to going on a service trip to an underdeveloped country without actually helping the country's residents, but still benefiting from the appearance of humanitarianism and charitability. This thereby shows how models based on reciprocity can become problematic when they

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7 Benhabib, *The Generalized and The Concrete Other*, 417.
8 Seyla Benhabib, "In Defense of Universalism. Yet Again! A Response to Critics of Situating the Self." New German Critique, no. 62 (1994): 176. doi:10.2307/488515
9 Iris Marion Young, "Feminism and the Public Sphere: Asymmetrical Reciprocity: on Moral Respect, Wonder, and Enlarged Thought." Constellations 3, no. 3 (1997): 354.

occur across imbalances of power. Young argues that paternalistic substitution causes agents to either impose or to assume their notion of what others want over and against the *actual* experiences, desires, and perspectives of the Other, which precludes the *communicative ethics* from striking a balance between honoring the perspectives of marginalized individuals in dialogues and maintaining Generalized principles like reciprocity and fairness.

To resolve this issue, Young advocates for "asymmetrical reciprocity,"[10] which argues that understanding and recognizing the other is necessary for reciprocity to work correctly. An asymmetrical understanding of reciprocity considers both the history of power dynamics present in the relationship, and the participants' unique positions along the intersections of different identities like race and gender.[11] Functionally, asymmetrical reciprocity requires prioritizing the Concrete Other over the Generalized Other because recognizing the asymmetries of a relationship involves giving an account of the relationship in terms of the Concreteness of the participants (rather than Generalized ways in which the participants may interact). I argue, however, that evaluating the standpoint of the Concrete Other prior to that of the Generalized Other is made functionally impossible given the complexities of different intersections between identity categories. I additionally defend Benhabib's communicative ethics by arguing that their adherence alone is sufficient to resolve the deficiencies of Young's asymmetrical reciprocity.

The first deficiency of asymmetrical reciprocity is that it cannot account for the interpersonal relationships between members of a marginalized group, and between members of a marginalized group and another group (whether marginal or otherwise). Attempting to describe the relationship in terms of an "asymmetry" ultimately fails because the particularities of identity cannot always easily translate into a simple, scalar comparison of privilege. One such example is that of colorist prejudice: many in the East Asian community are prejudiced against dark-skinned Asians for a number of reasons including darker skin being associated with low-class labor, Black skin, and opposition to Eurocentric beauty standards.[12] However, though an asymmetry between light- and dark-skinned East Asians certainly exists, the size of the asymmetry is too difficult to quantify since its degree occurs on a sliding scale according to the individual color of one's skin, rather than on a binary opposition between *being* or *not being* a member of a given racial group. Intersectionality, too, poses a problem for asymmetrical reciprocity: each person has a number of characteristics (*e.g.* economic class, gender, level of education, *etc*.) that make it difficult to clearly tell which participants are the most disadvantaged relative to others in real, asymmetrical relationships. Ultimately, I contend that a communicative ethics is perhaps the best framework for apprehending the asymmetries posed by differences in identity: even if recognizing one's structural privilege relative to others' is impossible to know, the first principle of communicative ethics is that participants attempt to view problems from

10 Young, *Asymmetrical Reciprocity*, 343.
11 Young, *Asymmetrical Reciprocity*, 347.
12 Trina Jones, "The Significance of Skin Color in Asian and Asian-American Communities: Initial Reflections." *UC Irvine Law Review, University of California Press* 3 (2013): 1114-1120.

the standpoint of another. Not only does the first principle serve as a mechanism through which participants in a dialogue can abstract from their own unique positions, but it also allows for a better understanding of the positions of others. This abstraction avoids the problem of substitution because participants do not speak from the perspective of others; they use substitution as a heuristic for openness to others' ideas. Additionally, participants avoid the problem of having to calculate asymmetries between participants because all participants are equally obligated to understand others, independent of asymmetries. In doing so, participants are then able to open up a space to understand and to consider problems holistically—therefore mitigating the problem of asymmetries in discourse—and avoid relying solely on one standpoint which might be epistemically and socially-privileged.

Though it is certainly important to consider subject positioning in discourse ethics, relying on an understanding of subjectivity based on material features of a person's identity can be infinitely regressive. Each individual can point to any number of characteristics (*e.g.* Chinese, woman, fan of Harry Potter) that they consider to be an integral part of their identity and classification, and it quickly becomes evident that no clear line exists for differentiating a person's identity from the properties that describe them. The implication of the difficulty in defining or parameterizing identity is that identity then becomes an impossible, or at least incomplete, basis for a dialogical framework, which poses a significant issue for Young's Asymmetrical Reciprocity. Furthermore, this suggests that Benhabib is ultimately correct to view both Concrete and Generalized standpoints as important features of ethics *contra* Young.

The ability of identity to encompass a near-infinite number of descriptors may suggest James Sterba's objection that fully knowing the Other is impossible.[13] In situations that require immediate action, or those in which specific knowledge may be necessary, a requirement to engage in discourse may present certain challenges. Moreover, as Sterba argues, to tell another participant in a dialogue one's complete personal history and identity requires a level of vulnerability, trust, and time that participants may not have or be willing to share[14]; nonetheless, I believe that the communicative ethics is immune to this objection. Though a person's identity properties may very well prove infinite, and full knowledge of the Other is impossible, participants do not need to know each other absolutely and entirely. Under a communicative ethics, participants in a dialogue compelled to share their perspective must simply isolate or define what segments of their identity and lived experiences are relevant to the problem at hand and do their best to make that description fungible.

Another objection to asymmetrical reciprocity is that it positions subjects with greater socio-political privilege in dialogues with participants that possess less power and actually incentivizes them to mis-substitute, or wrongly assuming the needs of the Other. Such a dialogue would allow malicious actors with privilege to promote positions in the name of

13 James P. Sterba, "Benhabib and Rawls's Hypothetical Contractualism." *New German Critique*, no. 62 (1994): 149-64. doi:10.2307/488513.
14 Sterba, *Benhabib and Rawls*, 152-153.

the worst off that do not actually benefit them and removes any institutional discursive check against this practice. For example, documented incidents of police brutality routinely spark societal discussions about increased police training and the use of body cameras. Police departments have in fact framed the need for increased funding to conduct trainings in terms of the goal of decreasing police violence.[15] Yet, these increases in funding, despite claiming to be in the best interest of communities most at risk of police brutality, are in fact directly in conflict with the aims the recent movement to defund the police and re-invest into communities.[16] The central issue with asymmetrical reciprocity which this example demonstrates is that listening to marginalized perspectives and responding to their general concerns does not necessarily imply that either the outcomes of dialogue will be in their best interest; in fact, their demands can be twisted or misinterpreted to give license to outcomes that contradict their goals.

On the other hand, the communicative ethics does have a structural method of restricting such a practice. Under the communicative ethics, participants in dialogues are allowed to define the terms of their engagement by sharing exactly those parts of their experience which they determine to be relevant to the discussion and also to define what that means in terms of shifts in practices and policies. Where the dialogue about police brutality has gone wrong is that the dialogue recognized an asymmetry without actually empowering the speakers whose voices had been disadvantaged: police departments generally listened to communities' concerns about police violence, but did not then actively seek out, follow, or prioritize the leadership and policies of organizers. Should participants in dialogues with others give the highest credence to voices other than their own, as they do in the communicative ethics, participation in a dialogue can actually serve as a powerful tool that restores autonomy to speakers who have historically been denied agency. It allows them the advocacy and discursive space to reclaim ownership of their identity and desires from others.

The second deficiency of asymmetrical reciprocity is its dependence on what Young calls *temporality*, which makes it challenging for asymmetrical reciprocity to guide judgements and actions.[17] As Young defines it, temporality concerns the historical processes (change, continuity, and interaction with other groups) that have contributed to *group identification*;[18] it is therefore essential, Young argues, that dialogue participants consider temporality in their comprehension of asymmetries between participants. Nonetheless, problems may arise when temporality plays into how groups self-identify. First, many identity groups have historical ramifications that must be grappled with, but under the framework of asymmetrical reciprocity, it is unclear what an individual's responsibility for the temporality of his or her identity group should be. Tamara K. Nopper writes that Asian Americans first began to collectively identify as the racial group 'Asian' rather

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15 Matt Vasilogambros, "Training Police to Step In and Prevent Another George Floyd," The PEW Charitable Trusts, June 5, 2020, https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/06/05/training-police-to-step-in-and-prevent-another-george-floyd.

16 Grace Dickinson, "What does 'defund the police' mean, and what would it look like in Philly?" The Philadelphia Inquirer, June 10, 2020, https://www.inquirer.com/news/defund-the-police-black-lives-matter-what-does-it-mean-20200610.html.

17 Young, *Asymmetrical Reciprocity*, 352.

18 Young, *Asymmetrical Reciprocity*, 352.

than be ethnically divided into such groups as 'Chinese' or 'Japanese' in order to give weight to the Model Minority Myth—a stereotype that was intentionally used to elevate the perception of Asian Americans at the expense of Black Americans.[19] Yet, if simply identifying as Asian American is intrinsically antiblack, then this raises a litany of questions such as: which identities are acceptable and which are not, what constitutes an identity, and what are some of the reparations participants in dialogues may owe each other? These are all necessary questions to think about, but then again, only considering the context of "fruitful discourse" seems to stymie and to gatekeep an active and lively discussion. As such, navigating the complex relationships between different asymmetries makes the task of recognizing temporality in asymmetrical reciprocity difficult. In fact, recognizing the complexities of historically contingent relationships of power may point to the need for a system like the communicative ethics, where participants will inevitably be called on to acknowledge temporality under the framework of an epistemically boundless dialogue.

Second, while the history of relationships between groups is in one sense constitutive of asymmetries between groups, looking solely at history to define power relationships may run the risk of abstracting too much from the lived experiences of participants in dialogue. By its nature as a historical descriptor, temporality is something that is constantly maturing and never static. The relationships between different communities might best be described as *itself* a constantly shifting dialogue, which indicates the utility of developing a system like the communicative ethics rather than rely on asymmetrical reciprocity as a framework.

THE JUSTIFICATION-APPLICATION SPECTRUM

Though I believe that Benhabib's communicative ethics present a better model than Young's asymmetrical reciprocity, I find Benhabib's description of appropriate contexts for the Concrete and Generalized Others lacking. In response to James Sterba's objections, Benhabib writes that she considers two "contexts" in which action occurs: the moral standpoint (which corresponds to the Concrete Other) and the standpoint of institutional justice (which corresponds to the Generalized Other).[20] For Benhabib, the moral standpoint encompasses scenarios where norms are applied, making them contexts of application, whereas the standpoint of institutional justice refers to scenarios where abstract principles are justified, making them contexts of justification. Below, I have grouped the different concepts and descriptors that Benhabib aligns with the mutually exclusive contexts of application and contexts of justification into their respective categories.

Contrary to Benhabib, I believe that contexts of application and those of justification ought to be conceptualized as two ends of a spectrum, rather than separate contexts with no overlap. The spectrum model is best understood as a model that explains how people's obligations and perspectives change as new information is gathered through participating

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19 Tamara K. Nopper, "The Unexceptional Racism of Andrew Sullivan," Verso Books. Web. https://versobooks.com/blogs/3172-the-un-exceptional-racism-of-andrew-sullivan.
20 Benhabib, *In Defense of Universalism*, 183.

Benhabib's language and classification of concepts:

Contexts of Application	Contexts of Justification
The Concrete Other	The Generalized Other
The individual/moral standpoint	The standpoint of institutional justice
Emotions, experiences, history, motivations, claims that are individualized	Abstraction, principles, Kantian/Rawlsian, applicable to society as a whole

in discursive formulations such as the communicative ethics. In essence, participants may enter into dialogues from a standpoint that is very close to either application or justification but will move towards the other side as the dialogue continues; perspectives become either more Applied or more Justified. I also contend that discourse causes conversations and participants to converge towards the middle of the spectrum, wherein the conclusions reached through conversations have elements that are both Applied and Justified.

The spectrum model indicates how principles can exist in between purely justified contexts and purely applied contexts—that we can have nuanced principles that reflect material realities, but are still principles, rather than exceptions. For example, a professor who modifies the norm that "extensions on papers will not be granted" to include "unless in the case of a documented family emergency" can still retain the Justified Principle of wanting to give all students an equal amount of time on the assignment, while still accounting for the Applied contexts in which students may face constraints on their time that are personal and uncontrollable. Under the spectrum model, a maxim can include an exception for specific cases, while retaining its universal normative force as *any* student, through no fault of his or her own, might encounter an unforeseen emergency that meaningfully hampers his or her ability to write papers without extensions. The spectrum model might suggest that exceptions to maxims are desirable if they could apply that the maxim would affect and be directly relevant to the appropriateness of the maxim's primary subject.

To illustrate what I mean, consider a classroom setting where teachers and professors must establish fair rules that govern how the class will operate, such as deadlines and consistent grading scales that are shared by all members of the class. Professors construct class norms in contexts of justification, where they legislate with the understanding that the norms they set will be the same for all of the students regardless of the students' identity, educational history, or experiences; norms are enacted without reference to, or exceptions for, any particular student. But most classrooms are not so simple: as the class progresses, students may ask for extensions on assignments or for grades to be rounded up to an A. Students make those requests based on concrete features of their experience unique to them, ranging from disability accommodations to hardships that they may have experienced during the pandemic. In changing or making exceptions to class policies, teachers must take a middle-ground stance between the contexts of justification and application and must view their students as both

Generalized and Concrete. The resulting dialogue that occurs between teachers and students and the outcome of most class norms by the end of the semester shows that there is a middle-ground between contexts of Application and Justification, and demonstrates how stances that are in-between the ends of the spectrum are often both realistic and desirable.

Finally, returning to the introductory example of the badminton coach, the athletes entered the dialogue (the online conversation surrounding the coach's actions and their allegations) from a context of Application. The *Medium* article made note of the power imbalances present between coach and student, and quoted the athletes' accounts of harassment, indicating an attention to individualized experiences. Those who defended the coach by attesting to his good character and citing the principle of "innocent until proven guilty" approached the conversation from a context of Justification because the norms they cited were abstract and not tailored to the particulars of the situation. However, as conversations continued, participants on Facebook representing both sides of the divide seemed to reach a consensus on several stances: that the coach's character should be evaluated in light of the plethora of accusations against him and that the testimony of the athletes held comparable weight to the coach's defense of himself. The terms of the dialogue shifted to a middle-ground between a context of Application and a context of Justification. And, as dialogues continued, the overall evaluation of the coach seemed to become more nuanced: participants, whether in defense of the coach or not, seemed to agree that his *intentions* of "joking around" and "getting comfortable" with students were separate from the *effects* of his actions on the athletes.

CONCLUSION

Shortly after the article was published, the coach published a post on his blog apologizing for his actions and was terminated by the Badminton Club. But, as conversations brought about by *#metoo* continue, the importance of discursive frameworks such as Benhabib's communicative ethics cannot be understated. Historically, rights and laws have been created from the standpoint of the Generalized Other, which can foreclose important dialogue about whether principles that presuppose equality can be applied to situations where material inequalities and power imbalances are the norm. The communicative ethics, which I have defended from the competing framework of asymmetrical reciprocity, not only provides an appropriate framework for understanding political discourse, but it also gives theorists a method of reconciling the seemingly opposite conceptions of subjectivity encompassed by the Generalized and Concrete Others.

To construct this defense of Benhabib's position, I have argued that the way that the Generalized and Concrete Others are reconciled in real-life discursive formulations aligns best with a spectrum between Justification and Application, rather than a binary construction where situations are either Justified *or* Applied. The spectrum model adds flexibility to Benhabib's communicative ethics as it applies to the process of creating real rules, policies, and laws. Put together, the spectrum model and Benhabib's communicative

ethics establish legitimate procedures for respectful and productive dialogue with other subjects, and can extend from typical, everyday encounters to societal policymaking.

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