

A TREACHEROUS EMBRACE: CORNELL'S RECEPTION OF KANT

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1. Attraction, yet friction

In her work, *At the heart of freedom: Feminism, sex, and equality*, Drucilla Cornell reflects on the connection between freedom and goodness. She presents her approach to autonomy and happiness as a contemporary development of Kant. This paper argues that such an ascription is fundamentally mistaken and, hence, that her conclusions are not at all Kantian. I have chosen Cornell's view not only because of its inherent interest, but also, especially, as a paradigmatic case of the state-of-the-art approach to Kant taken by many gender focused studies; an approach I contend is flawed. By contrast, this paper contributes to the exploration of the ways in which feminist theory could indeed benefit from Kant's philosophy.

Drucilla Cornell supports her appeal to Kant with an acknowledgement of the central role that autonomy and freedom should play in individual action. For her, the recognition of autonomy and individual freedom protect any agent from the illegitimate restrictions that other people might exert over her actions. The basic premise in her argument is that the individual ordination of preferences is not to be discussed, for there is no common instance from which to impose a unique vision of the good. In other words, there is no universal criterion by which to judge each subject's notion of goodness. Cornell's approach implies that the individual ordination of preferences is a question of taste, interest, or personal convenience; hence, and translated into Kantian terms, a question more of inclination than of rationality. Such an approach would neglect to ask why we have certain preferences, as well as whether their construction throughout time has been rational.

Unfortunately, Cornell's appeal to Kant is *sui generis*, to say the least. Why? Because Kant combines in a coherent, albeit sophisticated, manner the following two theses. On the one hand, each subject has an individual but indeterminate conception of happiness; thus the notion of good is individual –as Cornell well states. On the other hand, however, for Kant, a correct moral action is never governed by the agent's notion of happiness, for the agent ought not to take into account her own happiness when judging what she ought to do. As a consequence of these two theses, Kant sustains that although the content of happiness is not universal, good moral action is one and the same for every human being. In fact, that is exactly the essence of Kantian ethics: the claim that the supreme principle of morality is universal because the notion of good is based on the agent's reason, not on her inclination towards happiness.

Hence, my criticism of Cornell is that, against her purpose, her approach goes directly against the essence of Kantian ethics, i.e., formal universalism. Since formal universalism is the core of Kantian ethics, it will be necessary to conclude that Cornell's interpretation and use of Kant is fundamentally mistaken. Thus whatever her liberal reading may be about, she cannot truly claim to be an heir of Kant.

In the following, I will present Cornell's main ideas on freedom and equality. Then, I will show how they contradict Kant's view of morality. Last, I will briefly consider how the categorical imperative can serve to evaluate gender issues.

2. Cornell embraces Kant

Cornell's feminist project is inserted within a certain interpretation of the liberal tradition, whose forefathers she locates in Kant, Rawls and Dworkin. Her main concern is with women's freedom, over and above what has up to now been the most frequent demand of feminism, i.e., formal equality with men. According to Cornell we have to shift the focus so that instead of being concerned with the kind of freedom that is necessary to be equal, we start focusing on the kind of equality that is necessary to be free. It is about time that we talk straight about women's freedom for, "a person's freedom to pursue her own happiness in her own way is crucial for any person's ability to share in life's glories" (Cornell 1998, 18).

Cornell defends that the notion of freedom includes the freedom to conceptualise gender relations and to act in accord with them, and especially the freedom to react against any kind of enforced sexual choice or identity. This extensive definition of freedom is, according to her, based on the Kantian conception of a free subject as a self-determining agent. In particular, it is based on the existence of what she calls, "the imaginary sphere". The imaginary sphere refers to a space where we (re)imagine and (re)configure ourselves, that is, a space that allows us to define and evaluate who we would like to become.

Cornell's defence of "the sanctuary of the imaginary domain" explicitly buttresses the right to create ourselves as sexual beings — much in line with Judith Butler's approach. Particularly, such freedom includes the right not to behave according to the dictates of a pre-defined conception of female and male identities. Therefore, the recognition of freedom that Cornell advocates protects our right to represent our own sexuality, promotes our emancipation from any sexual options that the State might impose, and facilitates our struggle against the frequent reinforcement of common and unifying patterns by the basic institutions of society.

Having analysed the idea of freedom, Cornell is ready to take the second step in the argument, that is, to consider the kind of equality that will allow us to exercise our freedom. To this purpose, she engages in a lively discussion of a great variety of today's hot issues, for example, the regulation of prostitution, the rights of rental mothers and of adopted children, the reform of family law, the reactionary father's movement, the rights and duties of parents, and the international agenda of human rights. Cornell is conscious that the theoretical framework she employs does not determine a unique position in relation to each of these issues, for the same ideal of freedom and protection of the imaginary sphere could give rise to opposite views about them. However, she claims that universalising the sphere of the imaginary contributes firmly to the discarding of stereotypical answers. The hope being that, by giving a fresh impetus to the traditional lines of debate, new foundations for future dialogues could be established.

Her reflections are a good proof of what she hopes for. The great advantage of her approach is that it helps clear the path of stagnant perspectives. Clearly, some old themes deserve new approaches. For, if we really conceive of freedom as related to the self-determination of one's goals in life and the ability to pursue them, then we will

have a powerful tool to test gender equality. After all, it is still the case that most women do not enjoy equal access with men to the same opportunities, resources, and means to develop their capabilities in line with the recognition of their personality, and with respect to their chosen ways of life. Definitely, the strength of this thesis continues to be revolutionary.

3. Kant breaks free

Kant's influence on Cornell shows in her emphasis on freedom, self-determination, and autonomy, as well as in her consideration of the imaginary sphere as the empty space, which each subject fills on his/her own. The fact that women have historically been denied, in theory as well as in practice, the appropriation of these concepts, makes necessary to continue to reflect on them and to demand that their application be universal. In my view, this aspect of Cornell's appeal to Kant is impeccable.

However, two aspects of Cornell's exposition are not coherent with a Kantian perspective. First, Cornell seems to take freedom for granted, as if it were an ontological feature of any human being. By contrast, Kant conceives of freedom as a condition of possibility for morality; it is neither a given ontological feature nor an ideal to be fulfilled by social conditions. In Kant's view, the existence of freedom cannot be guaranteed; we rather have to suppose it for morality to be possible. It is just this point that is the transcendental element of Kant's theory, which ought not be overlooked. (More technically, we would say that freedom is a "postulate of reason", a "transcendental condition of possibility" for morality).

Second, in Kant's approach, freedom has nothing to do with the agent's search for happiness but, quite on the contrary, with her duty to act morally. That means that we have to assume that the moral agent is free to preserve her autonomy, in other words, to warrant that she can give to herself a rule of conduct independently of her inclinations. Freedom is not the capacity to do what we feel like doing; but the capacity *not* to do what we feel like doing. This is precisely the formal universalist element of Kant's theory, which should also not be disregarded.

Being oblivious to these two essential Kantian premises, Cornell too frequently considers that free agency of the subject contributes to her enjoyment of happiness; that to acknowledge the agent's freedom will facilitate her fulfilment of welfare. Unfortunately, such a perspective corresponds, however, more to a consequentialist program of general welfare *à la* Mill than to a formal universalist ethics such as Kantian is. The fact that Cornell strays from Kant on these two essential points must be stressed, as it is a good example of what has become a too readily accepted version of Kant among feminists.

We may now ask, in what way is the categorical imperative an extremely helpful tool in the development of ethical feminism? The aim of the last section is to correctly understand how Kant's central ideas concerning freedom, goodness, and happiness can serve to evaluate gender issues.

4. Preserving autonomy as a tool for diagnosis and treatment

The third formula of the categorical imperative expresses the idea that we ought to act in such a way that our will, being rational, could turn into a will that establishes

general laws. The so-called principle of the autonomy implies that "the will is thus not only subject to the law but subject in such a way that it must be regarded also as self-legislative and only for this reason as being subject to the law (of which it can regard itself as the author)" (Kant, 1976, 49).

According to Kant, when the will acts in that way, it gives itself the law (i.e., it is autonomous). It is precisely because such a will does not take into account any particular interest, not even the agent's interest, that it can be universally lawgiving and ground an unconditional imperative. It is therefore possible that someone both accepts a law that he gives to himself, and at the same time it be universally binding. Given that it arises not from the individual's desire to satisfy a particular interest, it will be what any rational will ought to will.

Thus, the third formula of morality entails that to be a person means to be competent to determine one's ends for oneself. The requirement to acknowledge the other's capacity for self-determination leads Kantian ethics to emphasize that to act morally right is not merely to refrain from doing any harm to others, but something else as well. It is a duty to support others in the pursuit of their individual ideas of happiness (provided they do not interfere with certain moral restrictions); we ought to help others to achieve happiness as well.

In sum, Kantian morality combines the following two ideas: On the one hand, everybody has the faculty of self-determination so that each person chooses his or her ends individually and looks for happiness in his or her particular way. On the other hand, any agent ought, when acting morally, to further the others' achievement of happiness.

Certainly, Kant's moral philosophy can be of much relevance to the feminist understanding of equality. Kant's treatment of the relationship between human good and human freedom serves to illustrate the kind of moral justification that underlies the feminist claim for equality. As we have seen, Kant distinguishes between the fact that everyone aims for happiness and conceives it in a particular way, from the command that the agent ought to be free when acting morally (i.e., that she ought not to consider the implications for her happiness when deciding how to act morally right). In Kantian terms, the only right motive for moral action is duty, not the search for happiness.

Even if her own happiness is never a proper motive in moral deliberation, the agent is nevertheless obliged to take into account the other's happiness. In fact, it is only by putting into brackets our inclinations towards happiness that we exercise our freedom, that is to say, that we can reason and act independently of our situation, interests, desires, hopes, needs, etc. Only under that condition does the moral precept to respect the other's happiness make sense.

Why then is Kantian thought powerful for feminism? Because it justifies that the promotion of a woman's happiness be a reason to act (Nagl-Docelkal 1997). Naturally, this thesis must be correctly understood. The point is not, as Cornell seems to have taken, that the female agent is allowed to pursue her own happiness; rather that any agent is obliged (when acting morally right) to help others achieve their happiness, irrespective of their gender.

When we apply this imperative in the analysis of practical matters from the perspective of gender, we realise how different the treatment of the genders is. For once again social, economical, political, religious and cultural studies show that when the other is a woman, she does not receive the respect, recognition and resources to promote

her self-determined idea of welfare and happiness in life as does a man. In this respect, Kantian ethics is beneficial for feminism, not only because it helps diagnose a wound that is still open, but especially because it contributes to the kind of conceptual and moral treatment that would be needed to heal it.

A final word of caution. Undoubtedly, the inclusion of the other's ends among my own is a beautiful definition of love, which can lead to further moral and political analysis and conclusions. However, it is still an open question whether political action can and should be built upon this premise. After all, it may be that the ethical consequences could (or not) be considered an excessive duty. But that can only be the topic of another essay.

References

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