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A TREACHEROUS EMBRACE:

CORNELL'S RECEPTION OF KANT[1]

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1. INTRODUCTION

In emancipatory fields, reflections about the notion of the good and the warrant of freedom are tied together. To consider women and men as free human beings implies letting them enjoy equal access to opportunities, resources and capabilities that have to do with the recognition of their personalities, and the respect for their life options. The protection of freedom requires a serious acknowledgement of the subject's capacity for self-determination to develop the particular conception of welfare and the good life that is going to guide her. Kant is one of the philosophers who has given profound consideration to the connection between freedom and goodness in relation to human lives.

Among feminist philosophers, four different approaches to Kant's theory have emerged: The first uncovers Kant's misogyny and analyses his relegation of women to an inferior class of persons. It then concludes that his defence of

[1] This is an expanded version of my article "Good, Freedom, and Happiness: A Kantian Approach to Autonomy and Cooperation", en E. de Sotelo (ed.) *New Women of Spain: Social Political Studies of Feminist Thought*. Münster, Lit Verlag, 2005, pp. 244-256.

gender differences permeates the whole of his theory to the extent that it does not allow for a feminist appropriation.[2]

The second approach is critical of what they see as Kant's focus on universalisation and his emphasis on autonomy over community. They portray his moral theory as one which would have little of interest to say about such personal relationships as friendship and marriage. Thus, many of those who have contributed to the development of feminist ethics conceived of it as a counterpoint to Kant's moral philosophy. This is specially the case of the proponents of the "care ethics" movement, for whom the object of feminist ethics consists in the analysis of a specifically feminine way to deal with moral dilemmas.[3]

The third approach takes a quite different direction in that it purports to draw heavily on Kant's conception of morality. It recognises its debt to Kant and defends the utility of his conception for feminism through a *peculiar* reading of his conception of the free person.[4]

Finally, the fourth approach argues that Kant's moral philosophy contains distinctions that can be of relevance to feminist thinking. The heart of Kantian

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[2] Sally Sedgwick, "Can Kant's Ethics Survive the Feminist Critique?" *Pacific Philosophical Quarterly* 71, 1990, 60-79. Robin May Schott, *Cognition and Eros: A Critique of the Kantian Paradigm* (University Park, PA: Penn State Press, 1990).

[3] Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge MA, Harvard University Press, 1982). Annette Baier, "Hume, the Women's Moral Theorist," in *Women and Moral Theory*, ed. E. Kattay y D. T. Meyers (Totowa NJ, Rowman and Littlefield, 1987). Nel Noddings, *Caring: A Femenine Approach to Ethics and Education* (Berkeley, CA, University of California Press, 1984).

[4] Drucilla Cornell, *At the Heart of Freedom: Feminism, Sex, and Equality* (Princeton NJ, Princeton University Press, 1998). Marcia Baron, "Kantian Ethics and Claims of Detachment", in *Feminist Interpretations of Immanuel Kant*, ed. Robin May Schott (University Park PA, Penn State Press, 1997), 145-170.

formal universalism is, under the latter view, still an excellent way to frame and promote gender issues.[5]

This talk supports this latter view and thus, will illustrate how Kantian ethics could benefit contemporary feminism, when correctly understood. The argument will proceed in the following manner. First, I will deal with a non-avoidable fact, Kant's misogyny, and comment on the implications of his theory of gender in the light of his defence of formal universalism. Second, Kant's central ideas concerning freedom, goodness, and happiness will be introduced. The aim of this section will be to correctly understand the core of the categorical imperative. Third, I will deal with Drucilla Cornell's interpretation of Kant. In her book *At the Heart of Freedom,* she employs a particular view of autonomy and happiness that she attributes to Kant, and then applies it to gender issues. This paper argues that her reading of Kant is fundamentally mistaken and, hence, that her conclusions in relation to feminism are not truly Kantian. Finally, the central argument – that the categorical imperative can serve as an extremely helpful tool to evaluate gender issues – will be developed.

This paper contributes to the effort to displace an all-too-common but misguided interpretation of the Kantian project among contemporary gender approaches, and thus to the exploration of the ways in which feminism could benefit from Kant's moral philosophy.

2. KANT'S THEORY OF GENDER

Kant's moral philosophy aims to be a unique investigation of moral life. The philosopher of Königsberg took it that there is moral life in ordinary sense, and

[5] Herta Nagl-Docekal, "Feminist Ethics: How It Could Benefit from Kant's Moral Philosophy", in *Feminist Interpretations of Immanuel Kant*, 101-124. Joan Tronto, "Beyond Gender Difference to a Theory of Care," *Signs*12, 4, 1987, 644.

that there is a moral consciousness common to all people and times, which is independent of philosophical research. Philosophical analysis of moral life does not add to nor rest from it. Ethics serves merely to clarify the essence of morality, (i.e., to define what it is, where it lies, and how it is possible). The goal of philosophical study is thus to discover a secure guide to morality.

Kant conceived of his task as the isolation of the a priori, and therefore unchanging, elements of morality. He talks about the conditions for the possibility of moral life in a universal sense. In different societies there might be different moral schemes, but if they all represent moral rules, then it should be possible to find out what they have in common, that is, what it is that makes them all be moral. Thus his approach to morality refers to an ideal of general validity. The moral law must be entirely unvarying. That is why the *Foundations of the Metaphysics of Morals* starts by asking what "good" means universally, that is, which ideal we all (women and men) have in mind when we use the term "good" in a moral sense. His famous proposal is that "Nothing can be called good without qualification except a good will."[6] It is then necessary to understand what a good will is. The answer, in Kantian terms, is: A good will is a will that has as its intention (what I will to do) to act according to duty, and as a motive (why I will to do it) to act out of respect for the moral law.

Kant defended that women could not act in accordance with the ideal type of morality. Only men, in his view, could act out of respect for the moral law, that is, only men could do good out of a sense of duty. The details of his views, and the theoretical labyrinths that sustain them, cannot be elaborated here. An abundant literature on Kant's misogyny is available, however, and concerns not only its influence on his moral thought but also central aspects of his aesthetics, anthropology, and political theory. For the purposes of this paper, it will suffice

[6] Immanuel Kant, *Grundlegung zur Metaphysik der Sitten*, AK, IV, 392.

to transcribe some quotes that illustrate the point. Thus in different occasions Kant wrote:

> *"I hardly believe that the fair sex is capable of principles."*[7]

> *"A cultivated woman, with a head full with Greek, like Mrs. Dacier, or who likes to engage in deep discussions on mechanics, like Marchess de Châtelet, would also have to grow beard; it would thus express better the kind of brainy thought they are after."*[8]

> *"Never a cold and theoretical lesson, always about feelings and preferably as close as possible to her conditions as sex."*[9]

> *"With regard to scholarly women, they use their books somewhat like a watch, that is, they wear the watch so it can be noticed that they have one, although it is usually broken or does not show the correct time."*[10]

> *"Woman is a domestic animal. Man walks ahead with his weapons in hand, and woman follows him with the burden of the household equipment."*[11]

> *"Women avoid evil, not because it is unfair, but because it is ugly; virtuous actions are for them those who are beautiful … The female sex is insensitive to everything that is duty or obligation. … They do a thing only because they like doing it, and the skill lies in so ordering things that they like only what is good."*[12]

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[7] Kant, *Observations on the Feeling of the Beautiful and the Sublime*, trans. John T. Goldthwait (Berkeley, University of California Press, 1965), 132-33.

[8] Kant, *Beobachtungen über das Gefühl des Schönen und Erhabenen*, AK, II, 209. [The translation is mine.]

[9] Kant, *Beobachtungen über* …, AK, II, 231. [The translation is mine.]

[10] Kant, *Anthropologie in pragmatischer Hinsicht*, AK, VII, 307. [The translation is mine.]

[11] Kant, *Anthropologie* …, AK, VII, 304. [The translation is mine.]

[12] Kant, *Beobachtungen über* …, AK, II, 231ff. [The translation is mine.]

The above are not the only sexist comments Kant makes about the feminine essential nature, women's lack of capacity to act morally, the kind of education they should receive, and the social role they should play. In different places in his work one finds him considering that women constitute an inferior class of human beings.[13] There can be no doubt of Kant's misogynist character, nor of the sexist element which grounds his conception of women's morality. As we have seen, he sets limits to women's capacity to enjoy an absolute good will, since it is always to be expected that they (more frequently? always?) act according to their inclinations, instead of by a strict sense of duty. Nor can he be excused as a product of his times. Many vindications of the abolition of sexism were active during the Enlightenment; one has only to remember the works of Poulain de la Barre, Olympe de Gouges and Mary Wollstonecraft, among others[14]. Furthermore, it is precisely against these vindications that Kant adopts his point of view.

Any reading of Kant's moral writings, however, will also reveal that the ideal of good will (a will which acts according to duty from duty) is extremely difficult to satisfy in men as well. The reason being that even if they (of course!) have what is needed –that is, the capacity to judge and act by general principles instead of by their own inclinations- they do not always exercise it. After all, there are also bad wills. Moreover, given the impossibility of achieving the

[13] To prove this point, it would be necessary to draw on the implications that are contained in the latter quote (i.e., the association of woman with the feeling of the beautiful rather than with the notion of duty). The task exceeds the limits of this paper, but the following references can be helpful: Ángeles J. Perona, "Sobre incoherencias ilustradas: una figura sintomática en la universalidad", in *Actas del Seminario Permanente Feminismo e Ilustración 1988-1992*, ed. Celia Amorós (Madrid, Instituto de Investigaciones Feministas de la Universidad Complutense-Dirección General de la Mujer de la Comunidad Autónoma de Madrid, 1992), 235-244. Luisa Posada, "Kant: de la dualidad teórica a la desigualdad práctica", in *Actas del Seminario* …, 245-253.

[14] To this respect, *Figuras del Otro en la Ilustración francesa*, *ed.* Alicia Puleo (Madrid, Escuela Libre Editorial, 1996). Alicia Puleo, *La Ilustración olvidada: La polémica de los sexos en el siglo XVIII* (Madrid, Anthropos-Comunidad de Madrid, 1993). Mary Wollstonecraft, *A*

complete moral self-knowledge that characterises Kantian ethics, even if they act on their superior capacity, they can never be sure whether they did so out of duty or by inclination when the action is in accordance with the moral law. In other words, men can never have knowledge of their own moral quality; even if they behave rightly in a moral sense, they will never achieve certainty of it. As a consequence of this qualification, fully displaying a good will is, properly speaking, almost as difficult for men as it is for women, although for different reasons.

Nevertheless, it is also true that [Besides]Kant's view of women does not play a merely anecdotal role in his philosophy. Rather it is an important piece in an assembled system. Thus a good part of the system would be affected, were we to revise that element. In this sense, numerous studies show that the open side of Kantian ethics (emancipation, freedom, citizenship, rights, and the rest of the Enlightenment project) contrasts with a dark side that limits the enjoyment of those realities by, among others, women.[15]

3. KANT'S FORMAL UNIVERSALISM

Denunciation of Kant's patriarchal construction of gender can nevertheless be consistent with a defence of some elements of his theory. For, independently of what Kant, himself, thought about gender differences, his moral approach provides feminism with important emancipatory tools. Why is Kant's concept of morality an interesting theoretical tool to analyse gender issues? Because it appeals to universality. And the reason why a universalist ethics is interesting

Vindication of the Rights of Woman (Búfalo, NY, Prometheus Books, 1989). *Feminism: The Essential Historical Writings*, *ed.* Miriam Schooner (New York, Vintage Books, 1972).

[15] Robin May Schott, "The Gender of Enlightenment", in *Feminist Interpretations of Immanuel Kant*, 319-337. Ursula Pía Jauch, *Immanuel Kant zur Geschlechterdifferenz* (Vienna, Passagen, 1988 y 1993).

for feminism lies in the fact that what it commands it commands for everyone, men and women, equally. Thus, when women's inherent equality is recognised, there can be no moral distinction attributed to gender differences. It is this perspective which gives rise to ethical feminism.

In any case, it would be mistaken to suppose that Kant's view of women could simply be excised from his larger theory: that could then, so purified, simply be applied to women as well as men. Such an attempt at purification would be as naïve as it would be futile, and would not yield conclusions of much value. For Kantian ethics exhibits all of its liberating and emancipatory virtues only if we are ready to squeeze it a little more to get at its real worth. The next section is devoted to such a "squeezing method".

4. THIRD FORMULA OF THE CATEGORICAL IMPERATIVE

Kantian universalism presents a unique formal rule to serve as the criterion by which to judge whether the intention of my action (what I will to do) is in accordance with the moral law (what I ought to do). The rule has the aspect of a categorical imperative and can appear under various formulations. 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 not being subjected simply to law, but is so subjected that it must be regarded as giving itself the law, and for this very reason is subject to the law of which it may consider itself the author".[16]

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

[16] Kant, *Grundlegung* ..., AK, IV, 431.

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. As Kant says, what that will wills, will be part of a universal kingdom of ends that every rational being, precisely because he is rational, would also be ready to will.

Thus, according to the third formula, the categorical imperative requires that we respect the humanity inherent in every human being (i.e., both in my own person and in every other person). Now, the precept that the human person ought to be valued always "as an end in itself" is linked to the recognition that to be a person – contrary to being a thing - implies the ability to determine one's own ends: *"Reason, therefore, relates every maxim of the will as giving universal laws to every other will and also to every action toward itself; it does so not for the sake of any other practical motive or future advantage but rather from the idea of the dignity of a rational being who obeys no law except that which he himself also gives."*[17]

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 emphasise that to act morally right is not merely to refrain from doing any harm to others, but something else as well. In this respect, Kant defends that the categorical imperative must not be confused with the "golden rule", that is, with the "do-as-you-would-like-to-be-done" principle.

[17]Kant, *Grundlegung* ..., AK, IV, 434-435

The inadequacy of the golden rule is that it saves us worrying about doing good to the others if we are prepared not to ask them to do us any good. The quote, though long, is worth mentioning here:

> *"A fourth man, for whom things are going well, sees that others (whom he could help) have to struggle with great hardships, and he asks, 'What concern of mine is it? Let each one be as happy as heaven wills, or as he can make himself; I will not take anything from him or even envy him; but to his welfare or to his assistance in time of need I have no desire to contribute.' If such a way of thinking were a universal law of nature, certainly the human race could exist, and without doubt even better than in a state where everyone talks of sympathy and good will, or even exerts himself occasionally to practice them while, on the other hand, he cheats when he can and betrays or otherwise violates the rights of man. Now although it is possible that a universal law of nature according to that maxim could exist, it is nevertheless impossible to will that such a principle should hold everywhere as a law of nature. For a will which resolved this would conflict with itself, since instances can often arise in which he would need the love and sympathy of others, and in which he would have robbed himself, by such a law of nature springing from his own will, of all hope of the aid he desires."*[18]

To fully grasp the point at stake, we have to remember that while the search for happiness is a "natural end", each person looks for happiness in her or his particular way. For Kant, happiness cannot be defined in a manner that has general validity: "*There is one end, however, which we may presuppose as actual in all rational beings so far as imperatives apply to them, (i.e., so far as they are dependent beings); there is one purpose not only which they can have but which we can presuppose that they all do have by a necessity of nature. This purpose is happiness.*"[19] "*But it is a*

[18] Kant, *Grundlegung* …, AK, IV, 423-424.

[19] Kant, *Grundlegung* …, AK, IV, 415.

misfortune that the concept of happiness is so indefinite that, although each person wishes to attain it, he can never definitely and self-consistently state what it is he really wishes and wills. The reason for this is that all elements which belong to the concept of happiness are empirical, (i.e., they must be taken from experience), while for the idea of happiness an absolute whole, a maximum, of well-being is needed in my present and in every future condition. Now it is impossible even for a most clear-sighted and most capable but finite being to form here a definite concept of that which he really wills."[20] Thus Kant's argument rests in the observation that, while everybody has the faculty of self-determination, each one applies it in a different manner, since each one chooses his or her ends "in the dark".

Taken together, both claims - that it is not enough to just refrain from impeding the other's happiness, and that each subject has a particular approach to happiness - have the following consequence. It is a duty to support others in the pursuit of their individual ideas of happiness (provided they are not against the moral law); we ought to help others achieve their happiness.

Therefore, Kant states the idea that it is not enough to simply refrain from impeding the other's happiness, and that one ought to actively contribute to its achievement and increase. *"Now humanity could no doubt subsist if everybody contributed nothing to the happiness of others but at the same time refrained from deliberately impairing their happiness. This is, however, merely to agree negatively and not positively with humanity as an end in itself unless everyone endeavours also, so far as in him lies, to further the ends of others. For the ends of a subject who is an end in himself must, if this conception is to have its full effect on me, be also, as far as possible, my ends."*[21]

[20] Kant, *Grundlegung* …, AK, IV, 417-418.

[21] Kant, *Grundlegung* …, AK, IV, 430.

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.

Having dealt with some of the leading arguments concerning Kant's theory of morals, it is time to move to the third question, namely, why Cornell's interpretation of Kant is misguided. As mentioned in the introduction, I have chosen Cornell's view not only because of its inherent interest, but also, specially, 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.

5. THE TRICKY QUESTION OF THE AGENT'S HAPPINESS

Drucilla Cornell presents her work, *At the Heart of Freedom: Feminism, Sex, and Equality* as a contemporary development of Kantian ethics. She 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 is 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.

6. FREEDOM AS SELF-DETERMINATION

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."[22]

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-determinating 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,

[22] Cornell, *At the Heart of* …, 18.

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.

7. FREEDOM VS. HAPPINESS

Thus, 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, that is, a space that allows us to define and evaluate who we would like to become.

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. This point is precisely 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* Stuart-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.

After what we have seen, we may now ask, in what way then can the categorical imperative be an extremely helpful tool in the development of ethical feminism?

8. "ETHICAL FEMINISM"

Notice, first, that the terminological alternative that we have just employed, is not irrelevant; that is, that there are good reasons to prefer the term "ethical feminism" to the more common "feminist ethics".[23] For the notion of "feminist ethics" seems to imply that there is a type of ethics that is feminist and another type, which would also be legitimate and deserve to be called ethics, that would, however, not be feminist. It would therefore be possible to imagine something like a non feminist ethics. In contrast, the notion of "ethical feminism" is based on the idea that any moral theory ought to fulfil some requisites regarding the kind of treatment that women would obtain in such perspective. In short, if it really is ethics, then is has to be feminist.

Now, given the complexity of human affairs and their intricate relations, the project of ethical feminism acquires its unique role by assuming as a theoretical priority the need to analyze the implications that any moral theory has for women, and also because it aspires to help design and implement labour, political, social and juridical measures to put an end to the still too frequent discrimination (it would be redundant to add "moral" here) of women.

[23] I take this insight from Celia Amorós, "Presentación", in *Feminismo y filosofía*, ed. Celia Amorós (Madrid, Síntesis, 2000), 9-10.

Furthermore, in this concrete case (the construction of a moral feminism *à la* Kant; that is, universal) the expression "ethical feminism" is favoured over "feminist ethics" to emphasise that it is not necessary to start from the hypothesis of an assumed difference concerning the moral reasonings and behaviours of each gender, as care ethics sustains. We do not need to assume either a specifically feminine mode of reasoning and moral action, nor a corresponding masculine version. Instead, the starting point of "ethical feminism" is the irrelevance of considering the agent's gender when judging his or her moral action.

Interestingly enough, this is not the same as saying that the analysis must be blind or indifferent to the genders of the implied agents, for it is precisely when we take them into account that asymmetries in the moral treatment of each come to light.

9. A FORMAL RULE THAT IS BOTH RADICALLY UNIVERSALIST AND STRICTLY INDIVIDUALISING

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.[24] 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. Hence, the requirement that the agent's actions ought to be autonomous, together with the acknowledgement of the role that happiness plays in human lives, turn the categorical imperative into an extremely helpful tool to analyse and evaluate gender issues.

10. APPLICATION OF THE CATEGORICAL IMPERATIVE TO THE EVALUATION OF GENDER ISSUES

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-determinated 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

[24] Herta Nagl-Docekal, "Feminist Ethics: How It Could Benefit from Kant's Moral Philosophy", in *Feminist Interpretations of Immanuel Kant*, 101-124.

because it contributes to the kind of conceptual and moral treatment that would be needed to heal it.

The appeal to the categorical imperative reveals numerous defects in the treatment that women obtain based on their gender. This project would focus on the following two essential aspects of the moral law.[25] First, the duty to respect the ends that others determine for themselves (as long as they are subject to certain moral limitations). In general, because of the gender roles assigned to them, women are presented with limited options, and therefore offered less opportunities of personal fulfilment. For example, women, unlike men, must frequently choose between career and family, or are forced to endure greater tensions and devote more effort to maintain both projects than do men. To a large extent, it is precisely in relation to body matters, sexual identity, maternity, and work issues that women gain or loose our right to imagine who we want to become.

Second, the precept to contribute to the fulfilment of other being's self-determinated ends. This aspect of the categorical imperative forces us to ask to what extent women find support in their individual search for happiness. Clearly, women do not have equal access to the opportunities that they deserve. It is in this context that political measures like affirmative action and quota regulation acquire their moral justification, as do attempts to (ideally) assist women to live the kind of life each chooses. Women's liberation envisioned a new world where women could blossom into full self-realisation. We still have a long way to go on that journey. The future awaits its foundation.

To pre-empt the objection that such a project would be utopian (in the sense of unfeasible), it must be emphasised that the moral standard to evaluate women's

[25] For a more detailed account of the application of the categorical imperative to the analysis of hot gender issues, see Herta Nagl-Docekal, "Feminist Ethics …".

situation, in general terms, would be that they receive the same treatment, as do men, no more nor less. So the judgement is by comparison with men's actual situation, not with an ideal.

11. CONCLUSION

Let us now finish the talk by summarizing and presenting a final comment. The crucial point is the following: Applying the categorical imperative to concrete gender asymmetries renders apparent the moral character of problems otherwise likely to be regarded merely in terms of conflicts of interest.

Contemporanean ethical feminism could benefit from Kant's moral philosophy in two ways: First, because this philosophy offers a critical tool for revealing, in the manner just outlined, why and how the subordination of women is morally wrong. Second, Kant's thinking contains an anticipatory component as well; it has far-reaching practical consequences –-politically, legally, and otherwise-- because it gives rise to the following question: What changes are needed in the common perception of gender, and in the practices informed by this perception to enable women as well as men to find the sympathy and support of others on their chosen roads to happiness?

Nonetheless, I would not like to end this essay without expressing a final caution: It is true that contemporanean feminism has probably been too trusting

in the power of legal sanction and the advantages of norms regulation. Such a confidence in legal matters has led him to forget other types of motivation of moral action. Having this weakness in mind, it is reasonable the nowadays emphasis on the need to empathize with other people's rights, over and above appealing just to coaction. 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 (this definition of love). For that the ethics commands us to love can (or not) be considered an excessive duty. At the end we should be careful to avoid that a maximalistic ethics impede us to warrant a minimalistic politics.