

Thomas Hill, Jr. have also proposed that, apart from metaethics, constructivism is a valuable tool in normative ethics. More discussion of the plausibility and details of that type of claim would have been a welcome addition to the volume. Nevertheless, it contains many good essays, and an excellent introduction, and is well worth reading.

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Carol Hay, *Kantianism, Liberalism, and Feminism: Resisting Oppression*

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Is Kantian feminism an oxymoron? Carol Hay's *Kantianism, Liberalism, and Feminism: Resisting Oppression* shows that it does not have to be. Hay persuasively argues that feminism and Kantianism can influence each other dialectically and formulate an imperfect duty, out of self-respect, to resist sexual harassment in particular and sexist oppression in general. While I am very sympathetic to this project and wholeheartedly agree that there are unexhausted resources in Kant that may be useful for analysing and combating sexist as well as other forms of oppression, I have reservations regarding a number of Hay's theoretical moves: (1) Hay excludes Kant's works on anthropology on the ground that they are useless for feminists; however, these works contain important resources both for an application of Kantian ethics in general and for a diagnosis of the philosophical justifications of systemic oppression in particular. (2) Hay argues that if feminists do not incorporate a Kantian notion of self-respect then they cannot articulate an obligation to resist sexist oppression; this is a bold claim that is neither warranted nor necessary for the overall argument of the book. (3) Hay focuses on the *Grundlegung* and *Tugendlehre* at the expense of the *Rechtslehre*; this move forecloses the possibility of articulating an additional duty of right to resist oppression. In what follows I will offer a brief sketch of each chapter and make a few remarks regarding these three reservations.

Chapter 1 ('Liberalism and Oppression') provides a compelling defence of liberalism. Additionally, drawing on Marilyn Frye's well-known work 'Oppression', Hay formulates an original list of the necessary and sufficient

conditions for recognizing oppression (pp. 4–5). This chapter argues that liberalism can both recognize and combat systemic oppression. Hay's version of 'at least a partly comprehensive liberalism' synthesizes Jean Hampton's comprehensive liberalism with Martha Nussbaum's pluralism and capabilities approach (p. 39). The chapter concludes with a defence of both transcultural moral ideals and the importance of autonomy; these, Hay argues, are the resources that a feminist interpretation of Kant can offer to a comprehensive liberalism.

Chapter 2 ('A Feminist Defence of Kant') responds to two major objections raised against the applicability of Kantian ethics to feminist concerns. These objections are the *embodiment objection*, the criticism that the Kantian dichotomy between the rational and the animal makes Kant unsuitable for feminist theorizing (pp. 52–3), and the *emotions objection*, the criticism that Kant's prioritization of the rational over the emotional makes Kant unsuitable for feminist theorizing (pp. 56–7). Hay's response to the emotions objection is perhaps the most lucid defence of why, in light of his attempt to find an *a priori* universal basis for morality, Kant could not have prioritized emotions. However, the current scholarly *rapprochement* between Kant and feminism is much more nuanced than Hay here suggests: the debate does not really revolve around two extreme alternatives, namely, that Kant *either* is sexist and useless for feminism *or* that we must ignore his sexism in order to make feminist use of the resources found in his philosophy. This oversimplification of the relationship between Kantianism and feminism, together with Hay's exclusion of Kant's anthropology, leads me to my first reservation. Hay offers two reasons why feminists can safely ignore the misogyny and sexism that abound in Kant's *Anthropology from a Pragmatic Point of View* and *Observations on the Feeling of the Beautiful and the Sublime*: (1) these works are widely regarded as peripheral (pp. 50–2); (2) they merely represent the social mores of Kant's time (p. 52). Both of these claims, however, are more controversial than Hay acknowledges. In regard to the first, recent scholarship, especially that of Robert Louden, has demonstrated that these texts are integral to the Kantian system as 'applied ethics' and that they are therefore central to any application of Kant's moral theory. In regard to the second, many scholars, most notably Pauline Kleingeld, have, as Hay mentions, argued that reading Kant's ethical works in a gender-neutral manner obfuscates their meaning. Paradoxically enough, after having claimed that these works are peripheral and should be ignored by feminists, Hay responds to the embodiment and emotions objections in large part by appealing (pp. 58, 61) to several arguments found in *Anthropology from a Pragmatic Point of View*. My view is that an analysis of the *Anthropology*, especially Kant's arguments for the second-class status of women as moral and political agents, would offer a more nuanced picture of how Kant can be

used by feminists. Just as we feminists may need and use a version of Kant's account of self-respect for our purposes, as Hay does, we may also need and use a version of Kant's account of the natural inequality of the sexes (as well as races and nationalities) to recognize, trace, criticize and resist oppression in all forms.

Chapter 3 ('The Obligation to Resist Sexual Harassment') opens with a concrete example that Hay uses in the remainder of the book in order to develop a theory of a Kantian imperfect duty to resist sexist oppression. The example comes from David Foster Wallace's story about a female friend who was sexually harassed while they were riding the Zipper together at the Illinois State Fair. The men operating the Zipper stop the ride when the female friend (referred to as the 'Native Companion' or NC because she is local; the colonial resonances of this phrase, however, seem to have been lost on both Wallace and Hay) is at the top hanging upside down, so that her dress falls over her head and the men can ogle her (p. 89). After the ride, NC seems to deny that she was sexually harassed and does not think that she has any obligation to say or do something about the incident. Appealing to this scenario, the question that Hay asks in the remainder of the book is whether all that sexually harassed women can do is ignore the situation or whether they have an obligation *to confront* their harassers. Chapter 3 then considers some practical and normative objections that would override such an obligation (objections from dangerous consequences, internalized oppression, lack of self-respect, etc.) and suggests that none of these considerations undermines the obligation itself. With this, Hay prepares the grounds for the main theoretical move that she makes in the next chapter, where she will claim that one has an *imperfect* Kantian duty to resist sexual harassment in one way or another; it would be best, Hay argues, if we fulfilled this duty in an external and visible way, but our maxim does not contradict itself if the duty is not, in each case, fulfilled in this way. Hay concludes that 'If we err on the side of caution in every case and never require women to confront their harassers, then patriarchy will never be eradicated' (p. 104).

Following Robin Dillon, Hay here claims that 'Properly responding to the realities of oppression requires a robust appreciation of the importance of self-respect' and that 'Kant's moral framework provides the most promising theoretical foundation for this task' (p. 72). Hay admits that Kantianism is hardly the only framework to do so, but insists that, if feminists do not look at Kant, 'they are throwing the baby (the Kantian duty of self-respect) out with the bathwater (Kantianism) ... because Kant's account of self-respect is unparalleled in its rigor' (p. 73). This brings me to my second reservation, which has to do with the strong claim that feminists do not possess the tools to articulate a rigorous notion of self-respect without appealing to Kantianism. I would grant, as Hay successfully demonstrates throughout the book, that a Kantian moral

framework provides a promising theoretical foundation for articulating such a notion. However, Hay does not demonstrate that this is *the best* way to provide a robust account of self-respect together with its importance for feminist theory, nor does she demonstrate that this is *the best* way to explain what is wrong with sexist oppression. An example of a feminist notion of self-definition and self-respect as rigorous as that offered by Kantianism may be found in Patricia Hill Collins's *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 1990). This book provides a robust account of both recognizing and combating the effects of sexist (as well as racist and classist) oppression without appealing to (or explicitly dismissing, for that matter) Kantianism. Moreover, because Hay's liberal feminism highlights gender as the most important aspect of one's social identity (as opposed to, say, intersectional feminist analyses of oppression that take into account race, class, age, sex, religion, ethnicity, nationality and ability as well as gender), her account of the harms of oppression, as well as her Zipper example, remain very limited. Once again, neither feminisms nor feminist conceptualizations of self-respect are as monolithic as Hay's liberal feminism portrays them to be. An engagement with other feminist frameworks would complicate Hay's bold claim and enrich her account of recognizing and resisting oppression.

In chapter 4 ('The Obligation to Resist Oppression') Hay fully develops the argument that oppressed people have an imperfect duty to resist oppression. Her argument can be summarized as follows. (1) Oppression harms our rational nature; for example, sexist social norms make women doubt their self-worth, take away their ability for rational deliberation and cause weakness of will (pp. 123–4). (2) People have an obligation to protect their rational nature. (3) Therefore, people have an obligation to resist their own oppression. Because Hay wants to leave room for different ways of resisting oppression (by directly confronting the harassers, by resisting internally, by filing a complaint with management, by raising awareness about the unfriendly environment at the State Fair, etc.), she finds the best prospect for such an account in Kant's notion of an imperfect duty, which allows for latitude regarding which actions may fulfil it (pp. 136–7; cf. *Tugendlehre*, 6: 390). As Hay notes, many actions can satisfy the requirements of an imperfect duty (including, on occasion, refraining from action), as long as our maxim is not to refrain from action all the time (p. 139). Hay also considers the possibility that the NC is resisting internally, which would then fulfil her imperfect duty (p. 143). In light of Hay's analysis, one might formulate this imperfect duty as: 'Resist oppression externally whenever possible' or 'Do not do nothing to end patriarchy'.

That Hay appeals solely to Kantian moral philosophy (*Grundlegung* and *Tugendlehre*) to develop a duty to resist oppression leads me to my third reservation. The sharp distinction that Hay draws between the moral and the

political threatens to overdetermine her theoretical moves, with the result that these moves may in fact undercut many of the goals that she hopes to attain. This is the case especially given that sexual harassment, as Hay also acknowledges, is an instance of a more *systemic* problem of sexist oppression, which concerns a network of relations, social and legal structures, patterns and practices. In light of this, then, Hay's thesis would benefit from an analysis of Kant's *Rechtslehre*, as this would allow her to develop not only a moral but also a political-juridical duty to resist oppression. As it stands, however, there are no references to the *Rechtslehre* or the relevant secondary literature in *Kantianism, Liberalism, and Feminism*. Hay claims early on in her defence of a comprehensive liberalism that 'condemning oppressive injustices requires going one step further, actually requiring state intervention in certain cases' (p. 35). Here Hay opens the possibility of defining oppression in political terms – as a violation of Kant's Universal Principle of Right, as hindrance to one's freedom of choice, since oppression is not the condition in which everyone should seek their rights – and thus of developing an additional duty of *Recht* to resist it; however, this possibility is left unexplored.

Chapter 5 ('Respect-Worthiness and Dignity') considers one of the main objections to the duty to resist oppression out of self-respect, namely the question from what source an oppressed woman may draw a duty to resist oppression, given that her self-worth is damaged and her self-respect is taken away in a sexist society (p. 158). Drawing on Stephen Darwall's distinction between *recognition respect* (respect owed to us all due to our humanity) and *appraisal respect* (respect earned individually through moral conduct), Hay argues that there is a difference between dignity and respect-worthiness; therefore someone who finds herself in an undignified position (for example, someone who is sexually harassed) is still worthy of recognition respect, if not appraisal respect. (pp. 159–60). While Hay admits that Kant is not always consistent regarding the distinction between dignity and respect-worthiness, and notes that there is even textual evidence to contradict it, I agree with her conclusion that this distinction follows the spirit of Kant's text if not its letter, and that it is useful here.

Despite the reservations that I have outlined, I believe that Hay's lucid book provides an invaluable contribution to the attempt to bridge the seemingly incalculable gulf between Kantianism and feminism. Her refreshing new interpretation is thus a welcome addition and will be of tremendous use not only to scholars of Kant and feminism but to all those who are interested in understanding and combating oppression.

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