

Carol Hay
Kantianism, Liberalism, and Feminism: Resisting Oppression
Houndmills, UK, and New York: Palgrave Macmillan, 2013
ISBN 978-1-137-00389-8

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Carol Hay's account of Kantian liberal feminism is at once reconciliatory and revisionary. She addresses her book to two audiences some ways apart: mainstream philosophers who embrace Kantianism or liberalism but fail to take problems of oppression seriously, and feminist philosophers who do wrestle with those issues but reject Kantian and liberal frameworks as inadequate for feminist analysis, or worse, at odds with it. The idea isn't just that we can find useful tools in the canon—the two traditions need each other. Hay argues that Kantian liberalism is uniquely suited to characterizing some forms of oppression and the obligation to resist them, and that Kantian liberalism realizes its full potential only when applied to real-world problems such as the treatment of the oppressed. The traditions don't escape their meeting unchanged, however. Hay's account of Kantian self-respect relies on a number of modifications and novel textual interpretations in order to accommodate the vulnerabilities of victims and avoid unwelcome implications about their duties. And unlike many in the literature who conceive the obligation to resist oppression as primarily other-regarding or justice-oriented, Hay argues that the Kantian duty of self-respect obligates victims to resist for their own sakes.

First, a summary. Aiming to defend liberalism against a range of criticisms and to demonstrate its radical potential for addressing oppression, in chapter 1 Hay surveys liberalism as pictured by its radical, communitarian, and feminist critics (13ff.), then argues that contemporary forms of liberalism needn't be what its critics see. The historical failings of liberal commitments stem from the privileged interests and worldviews of a group of theorists, not from anything inherent in liberal principles themselves (21). Even so, Hay contends that addressing oppression requires "an objective account of what counts as harm and flourishing for human beings" (31), meaning that we must move beyond politically neutral forms of liberalism, and that the state must intervene in certain cases (35). This yields a version of liberalism "more comprehensive than many other liberal feminists seem completely comfortable with" (36). At the very least, liberals must commit themselves to the intrinsic value of persons. And Hay suggests understanding this value in Kantian terms: we have it in virtue of our rational capacities to set and pursue ends for ourselves (39). In sum, combatting oppression necessitates accepting that our value constrains norms, practices, and institutions, and liberals can find an explanation of that value in Kant.

Hay opens the second chapter by once more separating principles from authors. Kant too occupied a privileged social position, which led to unfortunate statements and theoretical applications of his framework. Granting as much, Hay contends that there's nothing inherent in Kantianism that prevents us from recognizing that we're embodied, social creatures (56) whose actions are often over-determined by the motive of duty and our more emotional motives (59). So *Kantianism* can readily reflect the diverse experiences, relationships, and obligations of persons. With Kantian theoretical resources thus defended against traditional feminist criticisms, Hay resumes her argument for using the Kantian framework to explain oppression and resistance.

Hay believes that feminists should not ignore the Kantian account of the ultimate moral value of our rational natures, how our rational natures can be harmed by oppression, and why they must be protected through resistance. This is because harms to one's rational nature are among the worst harms of oppression and among the most egregious problems that arise from women's oppression (72). While Hay concedes that Kantianism isn't the only moral framework with the resources to explain what's wrong with harming women's rational capacities, she warns that if feminists reject the framework, they'll lose the Kantian duty of self-respect, which is unparalleled in its ability to fully explain the moral case for self-respect (73). In particular, Hay argues that "without a Kantian account of duties to the self, feminists cannot properly explain what is wrong with the gendered norms of self-sacrifice that have historically exploited women" (50).

If chapter 4 delivers Hay's complete account of the obligation to protect one's own rational nature by engaging in various forms of resistance, then chapter 3 is something of a preamble that considers a special case: whether protecting one's autonomy requires women to confront their sexual harassers (89). After providing a rich analysis of sexual harassment, Hay argues that "the distinctive moral harm of sexual harassment . . . is that it undermines women's autonomy" (99). This is because sexual harassment draws on and contributes to women's oppression, and oppression undermines the autonomy of its victims, meaning that sexual harassment makes women less autonomous in ways that go beyond the episodic disrespect of individual instances of harassment (98). Drawing on the Kantian identification of autonomy with moral agency, Hay concludes that a woman's obligation to confront men "is not just a general obligation to confront some random moral harm. It is primarily a moral obligation to confront and resist behavior that undermines one's ability to be morally obligated at all" (99).

In the first of many departures from common interpretations of Kant, chapter 4 recasts our capacity for practical rationality as an ordinary human capacity, one that oppression can harm (123). In particular, oppression can cause self-deception (123), harm capacities for rational deliberation (124), and cause weakness of will (125). And because oppression harms our capacity to act rationally, the obligation to prevent harm to one's rational nature becomes an obligation to resist one's own oppression. Practical irrationalities are involved in a wide range of oppressive cases, and Hay is right that applying the Kantian framework offers a unique explanation of that range (122).

The second revision is Hay's extended argument for considering resistance an imperfect duty, or a duty to adopt a general maxim to engage in rational-nature-protecting activity (135). Hay's

duty of self-respecting resistance is thus akin but not identical to the Kantian obligation to respect one's own rational nature (120). Though Kant insists that self-respect is a perfect duty (136f.), Hay observes that a wide range of actions can fulfill an imperfect duty (135, 138f.), whereas a perfect duty requires us to perform a particular action (146). And the obligation to protect our rational nature from the harms of oppression can be met by a variety of actions, ranging from outright activism to refusing to conform to building up mental walls against oppressive harms to simply recognizing that something is wrong with one's situation (140ff.). The more perilous a victim's situation, the more attention shifts to internal forms of resistance, meaning there's little to no latitude in refraining from resisting altogether, but significant latitude in how one should go about resisting (137).

Chapter 5 introduces a final revision in order to address a potential "deal-breaker" for Kantian feminism (158): if victims who fail to respect themselves are acting immorally, doesn't this diminish their respect-worthiness and thus the obligation both they and others have to respect them in the future? The received view is that a person's capacity to act rationally is what gives her moral value and thus makes her deserve moral respect (160). Hay offers a novel textual interpretation, namely that respect-worthiness and dignity should be separated (159). She argues that people are worthy of treatment-constraining respect in virtue of their rational capacities, or humanity. Although acts of complicity can diminish rational capacities, they cannot drop them below the minimal threshold that grounds respect for humanity. Meanwhile, it's an agent's autonomy, meaning her track record of acting morally or using her capacities in the right way, that determines her dignity. Hay admits the textual basis for this reading is mixed, but even if it's not what Kant thought, it may be necessary to explain why agents can damage their own rational capacities while still warranting respect and self-respect (159ff.).

Having summarized the key moves in each chapter, I will next provide an overall assessment of the project before offering a few criticisms of Hay's framework and arguments.

There is much to like about this book. Hay's interest is practical: bringing new resources to bear on problems worth solving. She confidently challenges the tendency to dismiss ideas due to the problematic commitments of their earlier adherents, and seeks to build what she can from those ideas. She succeeds in showing that a suitably modified Kantianism can be deployed in feminist theorizing, and that liberal principles have a life beyond the privileged interests of those who once applied them narrowly, and to such socially destructive ends. And I particularly appreciate the agency-engaging focus on obligations owed to the self in virtue of the harms people experience in oppressive circumstances. Hay has made a significant contribution to not one but two literatures, and will, I believe, influence the way we think about resistance going forward.

If there's anything wanting in her discussion, it's that Hay's focus on rehabilitating the Kantian framework sometimes leaves potentially illuminating contrasts underexplored. This is certainly not to say that she should have spent more time reflexively criticizing other approaches—her willingness to acknowledge where parallel frameworks are able to answer the same questions is refreshing. Her project is motivated by a desire for more engagement with these issues, not less, and that is only laudable. But it means that she sometimes stops short at demonstrating that the Kantian framework *can* offer a good explanation of specific cases, without fully exploring what is gained and lost by *preferring* its explanation.

For example, Hay characterizes a harmful practice, like gendered norms of self-sacrifice, argues that such behavior can only be ruled out in all cases if the duty to protect one's own interests is at least as strong as the duty to protect the interests of others, and then notes that Kant offers the most robust account of duties to the self available in the Western canon. Or she demonstrates that oppression often harms our rational capacities, appeals to the Kantian account of the ultimate moral value of our rational nature, and so concludes that just the threat of such harm is sufficient to obligate resistance. Even if we accept every step in these arguments, both substantively and tonally Hay sometimes struggles to strike a balance between showing that the Kantian framework is well suited to capturing a phenomenon and avoiding the suggestion that other approaches can't be fruitfully applied, and this limits her ability to clearly elaborate the advantages of her own approach, or to entirely explain why its costs are worth paying.

She obviously intends something more than a mere proof of concept—she believes there are uniquely fitting answers to be found in Kant, and that the oppression literature would be richer for their inclusion. But that often leaves her writing as if the advantage compared to other accounts just is the fit of the Kantian characterization. And when that characterization is better at capturing some harms and reasons to resist, worse at capturing others, and not alone in capturing them besides, we simply need more by way of criteria for evaluating the framework. There is much to be learned about these issues in that space between restrained defense and reflexive criticism, and I would have liked her to spend more time there. It's a problem she finds herself in for the best of methodological reasons, but it's still a problem.

To see why, let's look more closely at the arguments I mentioned above. When discussing gendered norms of self-sacrifice in chapter 2, for instance, Hay is contrasting her account with other-regarding strategies that ground the obligation to resist in the harm that complicity does to one's fellow victims. I agree that these strategies fail to capture the harm that complicit victims do to themselves, and that such harms are indeed sufficient to obligate resistance (75ff.). However, I think the argument moves a bit quickly from establishing what a self-regarding focus allows us to say to selecting the Kantian duty of self-respect as the way to say it.

According to Hay, we need an obligation to protect one's own interests at least strong enough to preclude acquiescing to gendered exploitation. But the Kantian duty of self-respect is only one way of attending to our interests, tracking only one family of harms: harms to our rational capacities. Although appealing to the ultimate value of our rational nature can deftly do the work, the range of oppressive psychological harms Hay canvasses across these pages is severe enough that many a moral principle would condemn them. In fact, most frameworks, properly applied, do not tolerate systematic exploitation. Perhaps then, cases like the oppression of women reveal that the structure of morality is not inherently other-regarding, or that duties to the self are not merely supererogatory. But Kantians are not alone in thinking so. In chapter 4, Hay notes that what is distinctive about her account is not that women have a self-regarding obligation to resist, but the formulation of that self-regarding obligation as a Kantian duty of self-respect (120). This formulation, like any framework we could adopt, has explanatory strengths and weaknesses—cases it can describe beautifully, and cases it will deemphasize or mischaracterize. By limiting herself to demonstrating the work Kantian machinery can do, Hay leaves us without a full defense of its selection.

And that matters, because the emphasis of the Kantian framework can be worrisome. Consider the resistance-grounding harm that oppression does to one's rational capacities. Oppression can harm us in a staggering variety of ways beyond affecting our rational nature—in fact, it's doubtful that there's an agential capacity or constituent of well-being that oppression doesn't burden, and in unique ways and combinations for different people in different situations. The Kantian framework isn't as well suited to capturing those other harms, and even if Hay is only interested in showing that Kantianism has something to add to the resistance literature, the focus on harms to our rational nature is at odds with her description, in the first chapter, of the range of harms that oppression can do (3ff.).

The ultimate moral value of our rational capacities in the Kantian framework requires Hay to label harms to them as among the worst of oppression (72), including "almost invisible increments" of harm, such as the cumulative effect that "harmless slights or annoyances or inconveniences" can have on our rational nature (145). She argues that our rational capacities are so valuable that we need to "err on the side of caution," and resist even if "many individual instances of oppression can be borne without discernibly harming one's rational nature"—after all, these increments will accumulate, and measurable damage will eventually occur (146). While this meets Hay's objective of giving us a strong Kantian reason to resist across all cases, it explicitly prioritizes threats and incremental injury to our rational capacities over other significant oppressive harms that could better explain why victims have a self-regarding obligation to resist in particular cases. This strains Hay's criterion of aptly characterizing cases, making it one area where demonstrating what the framework can explain falls well short of defending the choice of that explanation.

Further, when Hay declares that harms to one's rational nature are among the most egregious problems that arise from women's oppression, the choice to ground resistance from within a Kantian framework is edging her toward a contentious position. The lesson of intersectionality is that differences in identity and personal circumstances result in unique manifestations of oppression. Whenever we cite a particular burden as being among the worst to confront a wide category of people, such as all women, we risk essentializing certain experiences and overlooking others. It is just not clear that the practical irrationalities detailed in chapter 4, like self-deception and weakness of will, really are among the most egregious problems of women's oppression. These problems will not strike all women equally, and even if they did, many women will often face much worse.

Hay would probably agree readily on this point—she wants to highlight a certain kind of harm, not deny that other harms can warrant resistance. But in practice, her framework is somewhat out of sync with her pluralist motivations. The idea is to ground a self-respecting obligation to resist in all cases of oppression. Since the mere risk of harm to one's rational capacities is sufficient to ground resistance, and all oppression involves at least the risk of such harm, we have an obligation to resist oppression in all cases. This implies that the reason to resist in all cases has to do with the ultimate moral value of our rational nature, or at the very least, that whenever there is cause to resist, the risk to one's rational capacities is among the reasons. But sometimes, the harms that lead self-respecting victims to resist have nothing to do with practical irrationalities. A similar effect is at work when Hay argues, in chapter 3, that the distinctive

moral harm of sexual harassment is that it undermines women's autonomy. I worry that this description conflates the distinctive harm of sexual harassment with its further, corrosive effects on autonomy, causing the account to lose sight of the episodic harms of sexual harassment and why they, in and of themselves, merit resistance.

There is one more example of how the value of rational nature deemphasizes other harms, and it's actually the central harm discussed in chapter 3: harm to one's capacity for moral agency. Recall that chapter 5 separates rational capacities from autonomy, and assigns the kind of respect that constrains our treatment of agents to the former. No matter how much our autonomy degrades, and our dignity with it, apparently it's the status of our rational capacities that determines the treatment we're owed and thereby grounds the obligation to be self-respecting. Autonomy does affect our appraisal respect, and I suspect the loss of appraisal self-respect can lead to practical irrationalities, but even so, protecting autonomy as such no longer seems to explain the obligation to resist. And that suggests the range of harms that ground Kantian self-respecting resistance is even narrower still.

Beyond over-emphasizing resistance to protect one's rational nature, another potential issue is whether the value of one's rational nature is consistent with the level of resistance that Hay advocates. While Hay prefers the strongest possible grounding of the duty to resist in order to cover all cases, she also wants to dial back the strength of the Kantian framework to accommodate feminist intuitions about the risks and costs of resistance. This leads to a tension throughout the second half of the book. In chapter 3, Hay surveys a range of practical considerations that might cause us to hesitate in morally requiring confrontation of one's harassers, such as the further harm women risk by doing so (104). Yet Hay's otherwise commendable sensitivity to the circumstances in which victims find themselves doesn't altogether match the priority the Kantian grounding lends the obligation. It's hard to imagine many risks the framework would recognize as legitimately outweighing the threat to an agent's very capacity for moral agency, regardless of the good reasons feminists have to worry about victims and demandingness. The tension continues in chapter 4, where rational capacity instead of autonomy is at stake; despite the ultimate moral value of our rational natures (122), this chapter confirms that a victim "is not obligated to do whatever it takes to resist her oppression" (134f.).

I suspect that this tension is what motivates Hay's revision of the Kantian framework, including her characterization of resistance as an imperfect duty with wide latitude on how one goes about resisting. As the peril involved in resisting one's own oppression intensifies, the focus increasingly turns to internal forms of resistance. With this revision, the framework quite parsimoniously escapes the demandingness of having to always confront oppressive harms: a duty of self-respect cannot require victims to undergo damage to their rational capacities through risky or even emotionally draining resistance (129f.). Yet I wonder whether appealing to the ultimate value of our rational nature actually generates an account that isn't demanding *enough*, since it seems that even the threat of incremental harm to one's rational nature should compel a victim to opt for the relative safety of internal resistance, including cases where the actual damage being done by oppression is compared to the mere chance of greater damage from reprisals for outward resistance. The value of our rational nature is the ultimate thumb on the scale, so much as we shouldn't discount the danger posed by even minor annoyances

accumulating into discernible harms, we shouldn't gamble with our rational capacities when we could choose less confrontational forms of resistance. Perhaps this is the right answer. Or perhaps there are some forms of oppression that victims should risk all in confronting. I don't know. I imagine that different ways of characterizing self-respect—Kantian and non-Kantian—will result in different verdicts.

Hay wants to offer a unique explanation of a range of oppressive harms, and ground a novel reason for resisting those harms, but her dual desires to rehabilitate the Kantian framework without criticizing other accounts ultimately leaves the framework less than fully motivated. Stopping short at showing what a revised Kantian framework can do, she never really engages the other side of explanatory fit. Every account highlights some oppressive harms and reasons to resist at the expense of others, and leads to a characterization of victim agency that is compelling in some respects and problematic in others. The discussion of these strengths and weaknesses is invaluable for understanding a given account, as well as the underlying phenomena it attempts to explain. Of course, pointing out that Hay's defense stops a step short does nothing to minimize her accomplishment in delivering a fully realized, morally grounded account of resistance, one built from materials that many assume are antithetical to the task. For this and other reasons, Hay's project deserves praise, and to be widely read.