

Kant's Moral Theory and Feminist Ethics: Women, Embodiment, Care Relations, and Systemic Injustice

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1 Introduction¹

As part of critiquing the condition of woman, feminist ethics commonly seek to understand the importance of embodiment and dependency relations. Analyses of embodiment and dependency relations are, for example, naturally at the center of feminist critiques of physical violence, systemic injustice, and oppression. Analyzing institutions such as marriage, prostitution, and abortion and understanding phenomena involving sexual objectification, sexual violence, and domestic abuse appear similarly impossible without involving ideas of embodiment and dependency. Ideas of embodiment and dependency relations also do important philosophical work in good normative analyses of relations involving caregivers and care receivers, including in light of the asymmetrical nature of these relations and how the unpaid and physically and emotionally exhausting work involved has, historically, so often been deemed "women's work."

For scholars who have serious interests in both feminist ethics and the history of philosophy, an unavoidable question becomes whether it is worthwhile to use the theories of the classical thinkers to explore these issues. The problem is that most of the philosophical canon is written by men and in ways that have done little to improve the conditions of women—indeed, quite the opposite. Moreover, for those who have major research interests in the philosophy of Kant, the task of using his writings for feminist purposes has struck most thinkers as a particularly impossible project. In contrast to,

for example, J. S. Mill, Kant is known neither for his rich, close, and interesting relationships with women, nor for being a champion of women's rights; again, quite the opposite: Kant's close friends were all men, and when he speaks about women, he often appears to affirm many sexist beliefs and attitudes. Moreover, Kant's moral philosophy is commonly viewed as advocating a moral ideal of a rather disembodied kind. To many, Kant's ideal moral agent is the independent, hyper-reflective man who constantly strives to act only on universalizable maxims from a motivation of duty.

Kant's practical philosophy is therefore commonly deemed a particularly poor resource for understanding issues concerning embodiment and dependency in general and for understanding the condition of woman in particular. And yet, in recent years, a significant body of research—especially by women Kant scholars—has engaged Kant's work anew. Some of these engagements challenge earlier readings of Kant, while others draw extensively on Kant's philosophy—normally in dialogue with other feminist philosophers—as they seek to develop better philosophical theories of embodiment, dependency, and the condition of woman. A central idea informing many of these efforts is that although Kant's own judgment and analysis of the condition of woman presents serious problems that need overcoming, an undeniable strength of his practical philosophy is its abundant philosophical resources for defenders of rights, understood in terms of freedom and equality, or autonomy. Indeed, as we will see, some also argue that Kant's theory is particularly useful not only for defending women's rights, but also for analyzing (asymmetrical) dependency (care) relations and appreciating the importance of our embodiment for understanding a range of related issues concerning virtue (ethics), right (justice), moral psychology, and philosophical anthropology. Most recently, there have been efforts to show that, despite the problems with Kant's own account, there might be something important to learn from his approach to gender when it comes to understanding sexual orientation and sexual identity.

By setting the focus on issues of dependence and embodiment, in other words, feminist work has and continues to radically improve our understanding of Kant's practical philosophy as one that is *not* (as it typically has been taken to be) about disembodied abstract rational agents. This chapter outlines this positive development in Kant scholarship in recent decades by taking us from Kant's own comments on women through major developments in Kant scholarship with regard to the related feminist issues. The main aim is to provide an overview of the philosophical resources already available in

the literature as well as a sense of where main interpretive and philosophical challenges currently lie. More specifically, I start with a brief summary of the kinds of statements Kant makes about women that give rise to the many interpretive and philosophical puzzles facing anyone who reads his philosophy carefully. I then provide a brief historical overview of many of the pioneering women Kant scholars who made it possible for there to be so many excellent women scholars in the Kant community today and for firmly establishing the condition of woman as a point of inquiry on the philosophical map. The last section is organized in themes to give the reader a sense of the current, related discussions. More specifically, I provide an overview of the more recent literature regarding Kant on women, embodiment (sexual objectification, sexual activity, sexual violence, abortion), care relations (marriage, dependents, servants), and systemic injustice (poverty, sex work, oppression). As we will see, these many engagements with Kant's philosophy not only help us to better understand our inherited women-undermining and problematic dependency-furthering institutions and practices, but also provide ample philosophical resources that can be utilized in our efforts to envision the project of reform such that we can achieve a better future for each and all.

2 Kant's comments about women

Kant says some offensive, sexist things about women. Among the frequently cited examples are Kant's statement that women don't vote because, like children, they lack a "natural" prerequisite (TP 8: 295); Kant's claim that women, like children and servants, are "passive citizens" (MM 6: 314) as they depend "upon the will of others" and so lack the independence needed for "active" citizenship (MM 6: 314); his comment that some rather extraordinary woman scholars in his time (Dacier and Châtelet) "might as well also wear a beard; for that might perhaps better express the mien of depth for which they strive" (BS 2: 230); his remark "It is difficult for me to believe that the fair sex is capable of principles" (BS 2: 232); his statement that the philosophical wisdom of women is not "reasoning but sentiment. In the opportunity that one would give them to educate their beautiful nature, one must always keep this relation before one's eyes" (BS 2: 231); his claim that because she is so attuned to pleasing the public, "the scholarly woman uses her books in the same way as her watch . . . which she carries so that people will see that she has one, though it is usually not running

or not set by the sun" (A 7: 307). To finish with a couple rather lengthy ones, Kant's comments that

the woman should dominate and the man govern; for inclination dominates and understanding governs.— The husband's behavior must show that to him the welfare of his wife is closest to his heart. But since the man must know best how he stands and how far he can go, he will be like a minister to his monarch who is mindful only of enjoyment . . . so . . . the most high and mighty master can do all that he wills, but under the condition that his minister suggests to him what his will is (A 7: 309f);

and that:

if the question is therefore posed, whether it is also in conflict with the equality of the partners for the law to say of the husband's relation to the wife, he is to be your master (he is the party to direct, she is to obey): this cannot be regarded as conflicting with the natural equality of a couple if this dominance is based only on the natural superiority of the husband to the wife in his capacity to promote the common interest of the household, and the right to direct that is based on this can be derived from the very duty of unity and equality with respect to the end. (MM 6: 279)

It is therefore not strange that for a long time most of what was written about Kant and women was very critical of him and his approach (Gilligan 1982; Lloyd 1993). These statements give us an indication of why for many feminists Kant's work serves as a favorite illustration of the rampant sexism found in the Western philosophical canon generally,² and one reason why leading Kant scholars have typically stayed away from this topic in Kant. More recently, however, and especially with the entrance of women into Kant scholarship, these topics in Kant have received increased attention.

For those scholars who do take on the interpretive challenge posed by Kant's comments on women, several puzzles arise. First, there is the general puzzle of trying to establish exactly what Kant means in each of these statements. Can these remarks be consistent with his universal claims concerning human equality and rights? Moreover, taking on this textual challenge includes dealing with the interpretive puzzles that arise from the fact that, in between the previously discussed sexist comments from the "Beautiful and Sublime" essay, he also says that these "glances" on various "peculiarities of human nature" should be regarded as having been made with "the eye of an observer [rather than] of the philosopher" (BS 2: 207). Also, in his "What Is Enlightenment?" essay,

Kant somewhat surprisingly appears to encourage everyone, including women, to dare to be wise, and criticizes anyone, including men, who hold another's efforts in this endeavor back (WE 8: 35f). Moreover, just after he's talked about the "passivity" of women citizenry in the "Doctrine of Right," he argues that it cannot be illegal for anyone to work their "way up from . . . [a] passive condition to an active one" (MM 6: 315).

Second, there is the general question of how Kant's talk of "woman's nature" fits with his moral (ethical and legal-political) theories, wherein freedom, dignity, and rights are core ideas and wherein almost all the analyses are carried out using the gender-neutral concepts of "person" and "citizens." That is to say, Kant's systematic writings on freedom consist of his writings on virtue (ethics), such as *The Groundwork of the Metaphysics of Morals*, *Critique of Practical Reason*, and "Doctrine of Virtue" in *The Metaphysics of Morals*, and his writings on right (justice), the major work of which is the "Doctrine of Right" in *The Metaphysics of Morals*. In these works, the distinction between men and women almost never occurs; most instances of this distinction are found in Kant's writings on anthropology, history, human nature, and aesthetics. So, interpreters ask themselves: is Kant simply contradicting himself when he suddenly uses the distinction between men and women in his freedom writings, such as in his aforementioned discussion of marriage in the "Doctrine of Right," or is there a philosophical reason that explains why the comments appear where they do and that may be important to understanding what they mean in these works?

Now, if there is a philosophical reason underlying these textual knots, the next question is not merely interpretive, but philosophical, and it needs to be handled by all thinkers who identify themselves with the Kantian practical philosophy camp. This is the philosophical question of whether there is anything in Kant's approach to gender in general or women in particular that may be worth holding onto. For example, is the Kantian philosophical project better served by divesting it of these gendered parts and developing his practical philosophical approach simply in terms of persons' and citizens' rights and duties to respect their own and one another's freedom as equals (autonomy)? Most women Kant scholars focusing on his practical philosophy today who have written something that deals—directly or indirectly—with topics concerning woman's condition all agree on one point: regardless of our interpretive and philosophical disagreements, Kant's moral philosophy of freedom (autonomy) can be put to excellent use to combat our inherited sexist institutions and practices. In addition, we agree with the many women who are primarily drawn

to other aspects of Kant's philosophy—to his first or third *Critiques*—that his work is tremendously empowering and philosophically challenging in terrific ways. But what of his remarks on women and our condition? Let's first take a quick look at the growth in numbers of women Kant scholars. Then we'll focus on the growth of Kantian feminist work in Europe and North America.³

3 A brief history of pioneering women Kant scholars

Kant scholarship is among the areas of philosophy that developed an impressive, steadily increasing number of outstanding women scholars early on. It is always difficult to name some and not others, but there is little risk of offending anyone by saying that Eva Schaper deserves special mention. Schaper received her PhD from the University of Münster in 1950, and she made long-lasting contributions, especially to the study of Kant's *Critique of the Power of Judgment* (third *Critique*). Another significant pioneer was Ingeborg Heidemann (PhD Köln, 1955) who is especially remembered for her work on an edition of Kant's *Critique of Pure Reason* (first *Critique*) and for having been an active force behind the historically most important Kant journal, namely *Kant-Studien*. Among the earliest groundbreaking woman forces, we also find Mary J. Gregor (PhD Toronto, 1958). Gregor is known not only for her wonderful scholarship on Kant's practical philosophy, but also for her lasting contributions to the Kant and the wider philosophical communities through her excellent English translations of much of Kant's practical philosophy.

A second, larger wave of trailblazing women Kant scholars includes Onora O'Neill (PhD Harvard, 1969), Gertrud Scholz (PhD Köln, 1972), Jill Buroker (PhD Chicago, 1974), Karen Gloy (PhD Heidelberg, 1974), Patricia Kitcher (PhD Princeton, 1974), Barbara Herman (PhD Harvard, 1975), and Seyla Benhabib (PhD Yale, 1977). Although their PhDs were not in philosophy, but in political science (at Frankfurt am Main in 1971 and at Harvard in 1975, respectively), Ingeborg Maus and Susan Meld Shell are also among those who paved the way for women Kantians. B. Sharon Byrd, who was originally educated in law, falls into this category as well. The 1980s saw another wave of influential women Kant scholars on both sides of the Atlantic, including Sharon Anderson-Gold (PhD New School, 1980), Jean Hampton (PhD Harvard, 1980), Béatrice Longuenesse (PhD Paris-Sorbonne, 1980), Christine Korsgaard (PhD Harvard, 1981), Marcia W. Baron (PhD North Carolina, 1982), Herlinde Pauer-Studer

(PhD Salzburg, 1983), Jane Kneller (PhD Rochester, 1984), Claudia Langer (PhD Heidelberg, 1984), Jean P. Rumsey (PhD Wisconsin-Madison, 1985), Sally Sedgwick (PhD Chicago, 1985), Robin S. Dillon (PhD Pittsburgh, 1986), Ursula Pia Jauch (PhD Zürich, 1988), Hannah Ginsborg (PhD Harvard, 1989), and Holly L. Wilson (PhD Penn. State, 1989). This decade also saw the first woman to take a PhD in philosophy in the Nordic countries, namely the Kant scholar Hjørdis Nerheim (in Oslo in 1986), who also became the first woman philosophy professor in these countries (in 1994).⁴

These scholars, who broke the glass ceiling for women to become Kant scholars and Kantian philosophers, have been tremendously important in infinitely many ways for everyone following them; they serve as inspiring role models, mentors, supervisors, teachers, and transformers of the philosophical profession. As mentioned, many have focused their attention on topics other than practical philosophy, primarily on interpretive and philosophical issues concerning the first and the third *Critiques*, and most of these scholars haven't published on Kant in relation to feminist philosophy. There is probably no simple or single reason for why this is. For example, for some, it may be a result of their research focus; for others, research interests may have been combined with (conscious or unconscious) strategic, career-building self-interest (feminist philosophy was for a long time not considered "serious scholarship" in the profession); and for others, it may have been influenced in part by how emotionally difficult it was to engage feminist issues when trying to succeed professionally in an academic discipline dominated by men.

The paths of women Kant scholars who wrote on practical philosophy developed quite differently. By the late 1980s to early 1990s, many of these women had begun publishing work on Kant and topics in feminist philosophy.

4 The growth of Kantian feminist scholarship in the 1980s and 1990s⁵

In the latter part of the 1980s,⁶ Onora O'Neill's, Barbara Herman's, Christine Korsgaard's, and Marcia Baron's writings on Kant's practical philosophy—especially his ethics—took on the challenge from many quarters, including feminist philosophical quarters, to show how Kant's ethics could respond effectively to concerns regarding particularity, affective emotions, and our social natures (O'Neill 1989; Herman 1993; Korsgaard 1996; Baron 1995). An

important, critical response to this literature's ability to face the more general and the explicitly feminist objections to Kant's ethics came from Sally Sedgwick in 1990. In "Can Kant's Ethics Survive the Feminist Critique?" Sedgwick argues that although there are ways of overcoming many problems of sexism in Kant and that despite efforts by Herman et al. to emphasize the role he awards feeling in his practical philosophy, pure reason nonetheless remains the basis of his supreme moral law. Consequently, his philosophy is unable to give a sufficient response to objections from feminist quarters—such as the worries expressed by Carol Gilligan's *In a Different Voice*—regarding the constitutive role of the emotions and particularity in morally good and emotionally healthy human relations, let alone care relations.

In 1992, Korsgaard also published an important related article that takes on explicitly feminist issues. In "Creating the Kingdom of Ends: Reciprocity and Responsibility in Personal Relations," Korsgaard focuses on how Kant's writings can capture dangers regarding sexuality and objectification as well as concerns regarding friendship in intimate relations. These issues are central to capturing his account of the importance of marriage in general and for women in particular (even though the actual historical institution so often has been terrible for women). The year 1992 also saw a remarkable article published by Rae Langton. In "Duty and Desolation," Langton engages core ideas in Kant's moral philosophy by reflecting on a letter interchange between Kant and a young woman, Maria von Herbert, who had been studying his philosophy together with friends and who came to him for moral advice. Langton argues that in addition to revealing Kant's inability to respond well to the challenge of the situation, the interchange between Kant and Herbert reveals troublesome features of his moral philosophy, especially regarding his ideals of truth-telling and moral sainthood. The year 1992 also saw the two first articles from Robin S. Dillon. In these as well as other articles in the 1990s (onward), Dillon developed her Kant-inspired account of self-respect, one facet of which explores connections with care and argued that a morally responsible, emotionally healthy life includes respecting ourselves and others not merely as rational beings but also as embodied, fully particular individuals (Dillon 1992a, b, c, d, 1997, 2001, 2003).

Another early, groundbreaking contribution on Kant and women written in the English language during this period came in 1993 from Pauline Kleingeld, then a graduate student at the Dutch University of Leiden.⁷ In "The Problematic Status of Gender-Neutral Language in the History of Philosophy: The Case of Kant," Kleingeld discusses the tension between Kant's sexism and the

gender-neutral language of his moral and political theory. She criticizes the tradition of interpretation, according to which this aspect of Kant's text is simply set aside as an unfortunate mistake. Another tremendously influential article in this period was Barbara Herman's "Could It Be Worth Thinking about Kant on Marriage?" which not only presented an entirely new take on Kant and marriage, but also took up the important themes regarding sexual objectification addressed in Korsgaard's article (1994). This year Herman's and O'Neill's discussions regarding particularity and the related importance of affect and direct emotional responses also received explicit attention in the work of Herlinde Pauer-Studer. Pauer-Studer wrote a series of philosophical papers on feminist philosophy in the 1990s, and in one of these, "Kant and Social Sentiments," she engages both O'Neill's and Herman's arguments by trying to show that neither successfully responds to the charge that Kant's philosophy is as disembodied and unsocial as feminists (and others) often argue (Pauer-Studer 1994). She proposes that the only way to overcome this challenge would be by complementing Kant's ethical account with an account of the good. These themes regarding asymmetry and particularity have become especially prominent in the so-called care tradition in philosophy. I will return to these issues below.

The 1990s also saw the publication of the first anthology ever to focus exclusively on Kant and feminist issues, namely Robin M. Schott's *Feminist Interpretations of Kant* (1997). Many of the pieces and scholars included in this anthology deserve mention, but for the purposes of this chapter, let me focus only on the women Kant scholars.⁸ To start, in "Kantian Ethics and Claims of Detachment," Marcia Baron begins by criticizing Kant's sexism before proceeding to explain why in spite of it, Kant's moral theory (with its basis in freedom and equality) is still so empowering and useful for feminist causes (Baron 1997). In "The Aesthetic Dimension of Kantian Autonomy," Jane Kneller discusses the role of aesthetic imagination in Kant's conception of autonomy (Kneller 1997).⁹ In "Feminist Themes in Unlikely Places: Re-Reading Kant's *Critique of Judgment*," Marcia Moen also focuses on Kant's aesthetics to find support for feminist causes in Kant's philosophy (Moen 1997), whereas Holly L. Wilson's is, as the title suggests, an attempt at "Rethinking Kant from the Perspective of Ecofeminism" (Wilson 1997). This year (1997) also saw a Kant-based response to claims of Kant's inability to meet the challenges regarding particularity and affect in Cynthia Stark's "Decision procedures, standards of rightness, and impartiality." The next year, 1998, saw the publication of Jane Kneller and Sidney Axinn's anthology *Autonomy and Community: Readings in*

Contemporary Kantian Social Philosophy, which includes exploratory papers on Kant in relation to the feminist topics of pregnancy and abortion (Feldman 1998) and marriage (Wilson 1998).

5 Feminist themes in contemporary Kant scholarship

As mentioned above, there is a series of general and more specific interpretive and philosophical questions facing anyone who approaches feminist issues within a Kantian philosophical framework. Whether we look at the work mentioned above or the more recent work (see below), what we find is often determined by which of these questions the relevant scholars aim to address. The interpretive issues include trying to establish exactly what Kant said and why he said what he said, which also often leads these Kant scholars to explore structural interpretive issues such as Kant's accounts of ethics (virtue), justice (right), and human nature (including moral psychology and philosophical anthropology). Some then proceed with these general accounts—of virtue, and/or of right, and/or of human nature (including evil)—to explore what Kant said about specific feminist issues. Some of these thinkers in turn take on the next question, namely what Kant ought to have said about various feminist issues, once his accounts of virtue, right, and human nature are revised as they ought to be (whatever that is taken to involve). Others set these interpretive questions aside and instead proceed more directly, trying to figure out what Kantians ought to say about feminist issues when armed with the most defensible version of Kant's accounts of virtue, and/or of right, and/or of human nature.

All Kantians who aim to contribute to contemporary discussions of feminist issues therefore employ some or more of Kant's philosophical tools to explore topics such as embodiment (e.g., sexual objectification, sexual activity, sexual violence, abortion), care relations (e.g., marriage, dependents, servants), and systemic injustice (e.g., poverty, prostitution, oppression). Moreover, some of the Kant-based or Kant-inspired accounts also take part in the project of bridging the philosophical conversations between the traditions by drawing attention to and making explicit the similarities and differences between their accounts and those offered by other kinds of philosophical approaches. Others (also) go beyond the question of Kant and the condition of woman by using the Kantian framework in relation to other topics concerning diversity, such as central issues in the philosophy of sex and love (e.g., nonconventional sexual activities,

LGBTQIA, and polyamory), the philosophy of race, and the philosophy of disability. To provide an overview of many of these ongoing discussions—and the related, burgeoning literature—Sections 5.1 through 5.4 focus on themes rather than chronology.¹⁰

5.1 Kant and women

As noted previously, part of the peculiarity of Kant's writings on women arises from the fact that they are predominantly found not in his moral writings on freedom, but in his third *Critique*, in the *Anthropology*, and in his shorter essays on history, politics, and aesthetics. In 2009, Susan Meld Shell published her *Kant and the Limits of Autonomy*, which deals extensively with Kant's related published and unpublished anthropological writings, including his (sexist) distinction between man and woman (Shell 2009; cf. Louden 2011). This work does not take on the further task of exploring whether an improved account of human nature needs philosophical distinctions of the kinds Kant utilizes to make sense of gender or, relatedly, sexual identity and orientation. That it does not is symptomatic of how much of the previously addressed scholarship also does not explicitly address the question of whether the distinction between man and woman or any other philosophical distinction would be needed in good philosophical theories of gender and sexuality (broadly understood) were the world to develop in good ways, if we move forward rather than backward in these regards. Instead, these engagements tend to accept that Kant was sexist, explore ways in which he was or was not *as* sexist as many non-Kantians tend to think, and argue that his critical theory of freedom may be very useful, in various ways, for better understanding the condition of woman and related feminist concerns.

A most interesting engagement on the question of how sexist Kant actually was is found in a discussion between Jennifer Uleman (2000) and Jordan Pascoe (2011) over Kant's comments on the punishability of unwed mothers who committed infanticide—a common phenomenon in Prussia at Kant's time. Uleman presents an entirely new take on Kant's puzzlingly comments regarding unwed mothers who commit infanticide: she argues that contrary to what most thought at the time and what was prominently argued by Annette Baier (Baier 1993)—namely that Kant's comments revealed despicable callousness toward vulnerable newborns—his idea was sympathetic and important in that it questioned the punishability of women who, if they carried their babies to term,

would doom themselves and their children to a life of shame and economic hardship. Uleman's paper has recently been criticized by Pascoe, who argues that Kant's sexism made him unable to hear women's suffering loudly enough—and hence despite being worried about the legal practice of severely punishing infanticide in Prussia at the time, he ended up defending capital punishment for unwed mothers who committed infanticide.

A major aim of two very recent papers on Kant's writings on women is also to reengage the question of how to understand Kant's statements on women. In "Kant on Moral Agency and Women's Nature," Mari Mikkola (2011) argues that some of the earlier papers are too harsh in addressing Kant's actual views on women. In my paper "Kant and Women," I take this argument further by arguing that to understand Kant's comments on women—including the ones found at the beginning of this chapter—we need to understand both Kant's account of human nature and how he makes space in his works on freedom for such concerns of philosophical (or what Kant calls "moral") anthropology (Varden 2015). More specifically, I use this to explain the way in which the distinction between men and women appears in Kant's freedom writings, Kant's distinction between passive and active citizenship in the "Doctrine of Right," and Kant's encouragement of everyone (also women) in the "What Is Enlightenment?" essay to "Sapere Aude!," that is, to dare to become wise and develop their ability to live autonomously. In more recent work, I go further, arguing that while we need to revise aspects of Kant's account of human nature to overcome its sexist and heterosexist elements, his approach nevertheless already contains the philosophical complexity that good philosophical approaches to gender, sex, and love seek. In particular, I suggest that thinking about the role of biology and teleology in Kant's accounts of gender and sexuality help us understand where he went wrong and why a certain kind of teleological-aesthetic thinking might have a role to play in fully understanding the ideas of sexuality and gender. That is to say, there are useful philosophical resources in Kant, not only with respect to freedom and rights but also with respect to embodiment, biology, teleology, and aesthetics, and, so, also with regard to more comprehensive practical philosophical concerns. More generally, it seems useful to see recent pieces on Kant's sexism and heterosexism as consistent with writings on Kant's racism, such as Lucy Allais's "Kant's Racism" (Allais 2016). On the one hand, these writings explore the interpretive question, first, of whether Kant was as sexist, heterosexist, and racist as he appears, and second whether his work can still be useful to us if the answer to this question is a firm "Yes." That is to say, even if he

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really is as sexist, heterosexist, and racist as he seems, there may be things to be learned from Kant's philosophy and even his sexism, heterosexism, and racism for feminist, anti-heterosexist, and anti-racist thinking.

5.2 Kant and embodiment: Sexual activity, sexual objectification, abortion, sexual violence

Korsgaard's 1992 and Herman's 1994 papers were groundbreaking in several ways, one of which is that they focus on sexuality and objectification. Herman's piece is also groundbreaking in how it explicitly draws attention to analogies between Kant's arguments on these issues and important related work in feminist philosophy, particularly that of Catharine MacKinnon and Andrea Dworkin. In *Sexual Solipsism* Rae Langton takes up the threads of Kant and sexual objectification and intimate friendships—and critically engages the arguments of both Herman and Korsgaard—and adds the topic of pornography (Langton 2009). Moreover, Langton continues to bridge the gap between Kant, feminist philosophy, and the philosophy of language. Bridging these gaps between Kant and feminist philosophy and between Kant and other areas of philosophy are prominent in many of the more comprehensive accounts available today. Finally, Herman's article presents an entirely new approach to Kant's comments on marriage in that it is the first to draw attention to Kant's distinction between virtue (first-personal ethics) and right (justice) as well as to point out that Kant's oft-cited comments on married women are found in his "Doctrine of Right." Hence, gaining a full understanding of what Kant does and does not say on the topic of marriage requires contextualization to issues of right (justice) and not simply to issues of ethics (virtue). Once the context is taken into consideration with what Kant says, other readings can be ruled out. The more recent engagements with Kant on marriage and issues concerning embodiment are multifaceted in their approaches, some more similar to Herman's and some very different or taking further steps.

With respect to sexual activity and sexual objectification, Pascoe and I both argue—in line with the earlier writings of Herman, Korsgaard, and Langton—that Kant was aware of and is right in thinking that some sexual activities are morally dangerous. Nevertheless, it is not clear that all sexual activity is. Pascoe argues that Kant mistakes all sex for kinky sex (Pascoe 2012). While kinky sex may be problematic, much other sex can be genuinely affirming, loving, and affectionately caring. My line of argument agrees with Pascoe on this point as

well as engages some of the moral challenges inherent in more straightforward sexual activity and seeks to explain the existential importance of sexuality (as revealed in high suicide rates for those minorities who cannot live out their sexual identities and orientations).¹¹

Another classic topic when it comes to embodiment is abortion. The classic liberal piece on abortion is Judith Jarvis Thomson's "A Defense of Abortion" (1971). Although making significant strides in its defense, as was common at the time, Thomson does not draw an explicit distinction between right (justice) and virtue (ethics). Many critical responses to her article also fail to make the distinction, arguing that if one can show that it's im/moral (in the sense of un/ethical) to have an abortion, then one has thereby also shown that it should be il/legal. Here is where Kant's separation of spheres of right and virtue are crucial to providing a clearer analysis, or so I argue in "A Feminist, Kantian Conception of the Right to Bodily Integrity: The Cases of Abortion and Homosexuality." (2012a) Like Herman and others before me, I use Kant's distinction between right and virtue to show why the movement from immoral to illegal is unjustified. I then draw on Kant's "Doctrine of Right" to argue that the state can legally require pregnant women to make the choice whether or not to terminate the pregnancy (in otherwise uncomplicated medical cases) by the time of what is traditionally called "quickenings" (spontaneous, minimally self-conscious activity). However, if a state cannot provide such conditions of safe abortion, then it can also not justify legislation outlawing abortion at any stage; in such circumstances it must remain up to each woman to own her decision whether or not to terminate her pregnancy.

5.3 Kant and care relations (marriage, dependents, servants)

Perhaps the topic that has received the most attention in the first decade of the twenty-first century in Kantian feminist debates is the topic of marriage—and in large part because of the influence of Herman's article. As mentioned above, one of the groundbreaking aspects of this paper was that it explicitly drew attention to Kant's distinction between virtue and right. What followed in subsequent work by others was an emphasis on the one or the other (on virtue or on right) or both. Regardless of this difference, these papers explore the more general question of whether in spite of the horrible history of the institution of marriage for women, Kant may still be correct in thinking that it's an institution worth maintaining and reforming, including by opening it up for same-sex couples.¹²

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Kant's legal account of marriage is found in his "Doctrine of Right," under the more general category of what he calls "status right," a category that encompasses marriage relations, relations between parents (legal guardians) and children (dependents), and families and servants. Kant considered his category of status right an innovation in the history of philosophy in that it views shared personal homes as not analyzable through the concepts of private property or contracts. Instead, he argues, this sphere requires a special legal concept and analysis because of the way in which—to use contemporary language—it involves us as particular embodied selves living together in interdependencies and asymmetries in a shared home. In "A Kantian Critique of the Care Tradition: Family Law and Systemic Justice," I use Kant's legal-political philosophy to raise a series of objections to feminist care tradition and libertarian and Rawlsian accounts of related family law and systemic justice issues (Varden 2012b). I argue that these other accounts share problems of capturing the structure and importance of family law as well as related systemic issues of dependency that Kant has the philosophical resources to overcome. Two other interesting and possibly complementary approaches to these issues come from Marilea Bramer and Sarah Clark Miller. In her paper on domestic violence, Bramer combines tools from care theory with Kant's account of justice to justify why the state must treat domestic violence as terrorizing women (Bramer 2011). Similarly, in *The Ethics of Need: Agency, Dignity, and Obligation*, Clark Miller develops a Kantian account of care relations that draws heavily on Kant's imperfect duty of beneficence (Clark Miller 2012). These discussions between the Kantians, other liberal and libertarian traditions, and the care tradition will surely continue in the years to come.

5.4 Kant and systemic injustice: Poverty, prostitution, and oppression

Poverty has naturally been an issue at the center of much feminist philosophy. For most of history, women could not own private property, they could not access higher education, and they could not vote or take part in the legal-political processes that determined the coercive framework within which they lived their lives. It has and still is often the case that for many women the only access to private homes and means independent of one's parents runs through marriage to men. It is also the case that women are not paid equally to men for the same jobs, and it is the case that many women are forced or find that the least bad of the choices available is to engage in sex work they do not want to do.

A wonderful aspect of O'Neill's work is her focus on these issues of poverty, sex work, and the systemic aspects of women's oppression. Poverty has been a core concern in her research from the start, including in her engagement with (her supervisor) Rawls's Kantian proposal for how the state should respond to need. Emphasizing how systemic issues are central to analyses of issues that have, historically, predominantly involved women, including, but not limited to, domestic work, was central to her 2000 monograph *Bounds of Justice*. Two particularly notable chapters—"Which Are the Offers *You Can't Refuse?*" and "Women's Rights: Whose Obligations?"—concern issues of dependency and vulnerability and include an explicit focus on women (O'Neill 2000: ch. 5, 6). This importance of poverty to the vulnerability of women's lives is also central to Sarah Holtman's treatment of poverty in her important 2004 article, "Kantian Justice and Poverty Relief." In some of my work, I also address poverty and some of the challenges of prostitution (2006, 2012). An emerging feature of all this work is the acknowledgment that issues like prostitution poverty cannot be understood simply as analyses of individuals' interactions, but must also be seen as involving identities that track historical oppression and systemic injustice.

How to understand obligations in relation to systemic wrongdoing and harm is also central to Carol Hay's recent work (Hay 2013). Like O'Neill's analyses of poverty and Clark Miller's account of care relations, Hay employs Kant's account of imperfect duties to do core philosophical work. More specifically, Hay defends the claim that women have an imperfect duty to fight oppression. Particularly interesting in her analysis is the way in which she uses her Kantian account to develop a critique of the prominent account of oppression defended by Ann Cudd (2006), according to which the oppressed people's obligations to fight their oppression are supererogatory in nature. There is little doubt that there is much work yet to come on these themes from Kantian quarters, including as directed specifically at women's duties to fight their oppression.

6 Conclusion

In his essay "What Is Enlightenment?" Kant argues:

A public should enlighten itself . . . indeed this is almost inevitable, if only left its freedom. For there will always be a few independent thinkers, even among the established guardians of the great masses, who, after having themselves cast off the yoke of minority [the "inability to make use of one's own understanding

without direction from another"] will disseminate the spirit of a rational valuing of one's own worth and of the calling of each individual to think for himself . . . *Sapere aude!* [dare to be wise] Have courage to make use of your *own* understanding! is thus the motto of the enlightenment. (WE 8: 35–36)

Looking at the history of the emergence of women Kant scholars through this passage, we may say that it did not take long under conditions of freedom before the first women broke loose and with the support of established men scholars at influential educational institutions—men who also dared to trust their own judgment and wisely challenged the sexist ways in which scholarship had been denied women—change happened.¹³ It is also not random, according to Kant's philosophical system, that brilliant legal-political public reasoning—like the reasoning found in great judges—and academic brilliance from women was slow to appear: brilliant legal-political reasoning and academic brilliance both require training in a way that creative arts—such as music—do not. So there is Mozart-the-genius-musical-child, but no Kant-the-genius-philosophical-child. The reason, according to Kant's philosophical system, is that central to brilliance in the creative arts is use of the imagination unbound by reason (the third *Critique*)—and so can be found already in children—whereas brilliant legal-political reasoning and academic brilliance requires training of reasoning skills to a much larger extent (the first and second *Critique*)—and, so, cannot be found in children. Consequently, although some of George Eliot's brilliance in *Middlemarch* clearly reveals Mary Ann Evan's education, she could come before Simone de Beauvoir in history because Beauvoir needed her doctoral, academic training to write her brilliant *The Second Sex*—something not available to women living in Evan's time. It is also no longer so strange that although history has seen many great queens—women entrusted with and capable of mastering national political emotions—it took much longer before we got the first women ministers, let alone democratically elected prime ministers and presidents. And it is also no longer so surprising that the two first women US Supreme Court justices—Sandra Day O'Connor (b. 1930) and Ruth Bader Ginsburg (b. 1933)—appeared on the Supreme Court as late as in 1981 and 1993 (respectively). In addition to how the US legal-political world had to become less sexist for their appointments to be possible, O'Connor and Ginsburg first had to be trained academically and then practice as lawyers and judges before they were ready for the Supreme Court.

Elsewhere, I have argued that Kant was well aware that his (sexist) views of women might simply have been expressions of his own prejudices and sought to ensure that his philosophy as a whole was wiser than he was (Varden 2015).

Kant's philosophical writings on freedom leave room for concerns of moral anthropology and moral psychology, but they also leave room to revise claims made in those domains. That is, what we find in the anthropological and relevant psychological writings (unlike the freedom writings and yet consistent with them) are not objective, universal claims, but contingent ones. This is why the freedom writings set the framework within which these contingent claims are accommodated and given room (rather than the other way around), which explains the few appearances of "men" and "women" in Kant's moral freedom writings. Though this may be a controversial interpretive claim, Kant would certainly have held that it is not a given that the positive development regarding women in philosophy generally and in the Kant community in particular over the last few decades will continue. Shortly after the comments just quoted, Kant says, "a public can achieve enlightenment only slowly. A revolution may well bring about a falling off of personal despotism and of avaricious or tyrannical oppression, but never a true reform in one's way of thinking; instead new prejudices will serve just as well as old ones to harness the great unthinking masses" (WE 8: 36).

What will happen next is, ultimately, up to us—it is now our responsibility, as students, as teachers, as researchers, as professionals. Doing this well does not involve living as if sexism, racism, and heterosexism do not exist. Indeed, as we have seen, we find these pathologies present even in one of, if not the most brilliant philosopher ever to walk the planet—indeed, in the one who also, for the first time in the history of philosophy, was able to imagine a practical philosophical system founded on freedom. Rather, taking on the challenges of racism, sexism, and heterosexism presumably involves learning to face and relate well to those tendencies in ourselves and our meetings with others, and thereby to take part in the transformation of these inherited, damaging, and destructive pathologies into emotionally healthier, morally justifiable ways of interacting. A good future requires that our efforts at reform continue, making our societies better and freer for each and all.

Notes

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- 2 For examples, see relevant articles in Schott (1997), Lloyd (1993), Marwah (2013), Shell (2009).
- 3 The only reason this overview is limited in this way is because I do not have sufficient knowledge or access to women Kant scholars in other scholarly communities.
- 4 I'm grateful to Anne Margaret Baxley, Katrin Flikschuh, Howard Gold, André Grahle, Peter Niesen, Daniel Peres, Sally Sedgwick, Jens Timmermann, Rachel Zuckert, and Alice Pinheiro Walla for helping me construct this list. Any remaining imperfections are, of course, entirely my responsibility.
- 5 Again, because of my insufficient knowledge of publications on these issues in the many other languages, this overview is unfortunately limited to an overview of the many important discussions that have happened in publications in the English language.
- 6 Another important factor in the development of scholarship on Kant in relation to classical feminist topics from the beginning was the way in which Kantian men directly engaged related topics in productive ways. Contributions worth mentioning include John Rawls's influential proposal of the family as a basic institution, an idea that was introduced already in his original *A Theory of Justice* (Rawls 1971) and Thomas E. Hill, Jr.'s influential Kantian critique of the deferential wife in his "Servility and Self-Respect" (1973). The first comprehensive—and still classic—engagement with Rawls' theory is Susan Moller Okin's *Justice, Gender, and the Family* (1989). For a most interesting engagement with Hill's paper, see the discussion between Friedman (1985) and Baron (1985). Mentioning Thomas E. Hill, Jr. and his supervisor, John Rawls, especially also seems particularly appropriate because both are widely recognized as having helped empower women in the profession, including in their service as successful PhD supervisors for several women.
- 7 One of the very few, critical pieces on Kant's take on women that existed at the time—"Kant: An Honest but Narrow-Minded Bourgeois?"—was written by another woman, namely Mendus (1987).
- 8 Sally Sedgwick's 1992 paper was also reprinted in a slightly edited form in this anthology (1997).
- 9 This article by Kneller was preceded by two 1993-articles on Kant's feminization of the faculty of imagination (Kneller 1993a, b).
- 10 For a more general article, see also Hampton in Baehr (2004: Chapter 7).
- 11 In my forthcoming book *A Kantian Theory of Sexuality* (Oxford: Oxford University Press), I provide a unified account of sexuality where Kant's own and suitably revised Kantian accounts of human nature, right, and virtue do complementary philosophical work. See also my forthcoming *Kant on Sex. Reconsidered* for a critique of Kant's own and a revised moral-psychological account of sexuality.

- 12 Two early pieces here were by Denis (2001) and Schaff (2001), but many pieces followed quickly: Wilson (2004); Brake (2005); Kneller (2007); Wood (2007); Varden (2007); Altman (2010, cf. 2014); Papadaki (2010); Pascoe (2013, 2015, forthcoming).
- 13 The sea change has been striking. Just one example: in her 2010 introduction to Kant's moral philosophy, Uleman—in an argument that Kantian moral theory is especially concerned to protect and promote human creativity—assumes readers will appreciate examples drawn from Virginia Woolf and Adrian Piper. The examples describe features of the subjective state required for original creative work and the obstacles women (among others) face in sustaining this state when surrounded by forces determined to objectify or instrumentalize them.

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