

Cosmopolitanism, Feminism, and Duties to Self. A Kantian Approach

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ENG Abstract: Feminism has had a sometimes strained relationship with individual freedom: although it has typically been animated by a willingness to liberate women from masculine domination, from the moment it has sought to extend this liberation across cultures or national borders, it has been accused of perpetuating another kind of domination, namely, an imperialist domination. What are we to think of this tension? Is it impossible for a feminist to be a cosmopolitan without being an imperialist? This paper argues that the main protagonists in this debate cannot but implicitly acknowledge the universal value of individual freedom. Drawing on the Kantian duty of “rightful honor”, it also argues that this value places limits on what women are morally authorised to consent to, and derivatively, on the socio-relational environment in which they may legitimately find themselves. Correlatively, it suggests that by insisting on the preservation of one’s juridical personality, this duty also allows us to envisage a feminism that is cosmopolitan without being imperialist.

Key words: Immanuel Kant, individual freedom, global gender justice, relational autonomy, the duty of rightful honor.

Summary: 1. Feminism and Individual Freedom. An Ambivalent Relationship. 2. The Universal Value of Individual Freedom. 3. A Duty not to Renounce one’s Juridical Personality. 4. Gender Inequality, and Informal Social Practices and Norms. References.

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At a time like ours when identity politics and demands for the recognition of differences have taken on increasing importance, have cosmopolitanism and its defence of universal values become untenable or even morally objectionable? I propose to examine this question through the lens of feminist debates on global gender justice and on relational autonomy. Feminism has indeed had a sometimes strained relationship with individual freedom: although it has typically been animated by a willingness to liberate women from sexist oppression or masculine domination, from the moment it has sought to extend this liberation across cultures or national borders, it has been accused of perpetuating and reinforcing another kind of domination, namely, an imperialist domination. What are we to think of this tension? Might the individual freedom cherished by cosmopolitans not after all be a universal value? Is it impossible for a feminist to be a cosmopolitan without being an imperialist? In this contribution, I will answer these questions in the negative and mobilise Kant’s practical philosophy to support my position. This may come as a surprise for Kant’s conception of individual freedom has often been criticised by feminist philosophers for being overly abstract and rational, and for promoting an ideal of masculine independence that overlooks the care and dependence relations that mark the human condition (eg, Fineman 2010; Held 2006; Mackenzie 2019; Stoljar 2022). It is also well known that Kant, far from combating gender inequalities, rather tends to justify them, as illustrated by his explicit refusal to grant women the right to vote on the ground that they are naturally unfit to exercise it (TP, AA 8:295)². Notwithstanding these limitations, I believe that Kant’s practical philosophy contains original and fruitful resources to envisage a cosmopolitan feminism that does not slip into imperialism.

¹ Issues of cosmopolitanism and universalism are closely related. According to Thomas Pogge’s often-cited account, cosmopolitanism may be defined by reference to the following three elements: *individualism* (ie, the ultimate units of moral concern are individual human beings); *universality* (ie, this status attaches to each human being equally), and *generality* (ie, this status has global force) (Pogge 2002: 169). In this paper, I will favour a cosmopolitan (rather than universalist) rhetoric for two main reasons. The first is that, as Pogge’s account indicates, cosmopolitanism includes but is not limited to moral universalism: it also affirms the value of individual freedom, which is at the heart of my inquiry. The second reason is that a cosmopolitan rhetoric better captures the global (and not only transcultural) dimension of my argument and its engagement with anti-imperialist discourse.

² Citations of *Groundwork of The metaphysics of morals* (GMM), *On the common saying: That may be correct in theory, but it is of no use in practice* (TP), and *The metaphysics of morals* (MM) will be to the translations by Mary J. Gregor (1996).

My argument will proceed in four steps. I will start by presenting some feminist debates on global gender justice and on relational autonomy in order to illustrate the ambivalent relationship feminism has with individual freedom when it unfolds in a context of cultural diversity. Secondly, I will show that the main protagonists in these debates cannot but ultimately rely on a shared acknowledgment of the universal value of individual freedom. Thirdly, drawing on the Kantian duty of “rightful honor”, I will argue that the universal value of individual freedom places limits on what women are morally authorised to consent to, and derivatively, on the socio-relational environment in which they may legitimately find themselves. Correlatively, I will suggest that by insisting on the preservation of one’s juridical personality, the Kantian duty of rightful honor also allows us to envisage a feminism that is cosmopolitan without being imperialist. Fourthly and finally, I will propose two ways in which feminist concerns with sexist oppression might be framed within a broader Kantian concern with the depersonification of women.

1. Feminism and Individual Freedom. An Ambivalent Relationship

Feminism has had a somewhat strained relationship with individual freedom. On the one hand, feminist struggles have been typically presented as struggles aimed at liberating women from sexist oppression or masculine domination (eg, Cudd 2006; hooks 2015, ch. 2; Frye 1983; Khader 2019; McAfee et al. 2023), and seem therefore indissociable from a certain commitment to individual freedom. On the other hand, however, once they have sought to extend this liberation beyond cultures and national borders or to defend a feminism with ‘cosmopolitan’ scope, they have been accused of sliding into another form of oppression or domination, namely, an ‘imperialist’ domination.

This tension is well illustrated by the attempt made by liberal feminist Susan Moller Okin to lay the theoretical basis of a global gender justice and by the criticisms it has attracted (eg, Okin 1994). According to Okin, the experience that women across the world have of sexist oppression has much more in common than some would like us to believe³. They all experience a gendered division of labour, which relegates them to domestic and care work, and which limits their opportunities to pursue an education or to occupy a full-time job (Okin 1994, p. 12). They also all experience a devaluation or even an invisibilisation of their work because only paid work carried out in the public sphere tends to be regarded as ‘genuine’ work (Okin 1994, pp. 10-1); and even when they carry out ‘genuine’ work, this work tends to be less well paid than men’s work. Lastly, they all experience their own devaluation, which deprives them of power both within and outside the family, sustains their economic dependence on men, and makes them vulnerable to various forms of abuse (Okin 1994, p. 14). If there are any differences between poor women within poor countries and most women within rich countries, it is that sexist oppression affects the former even more than the latter. And to this common experience of sexist oppression, Okin recommends the same kind of remedy: what needs to be done is primarily to enhance women’s exit potential, notably by encouraging their full economic productivity and participation, the underlying idea being any factor increasing one’s capacity to leave a relationship also increases one’s bargaining power within this relationship (Okin 1994, pp. 16-8).

In addition, noting that “[o]ppressed people have often internalized their oppression” – that is, they often fail to acknowledge and even tend to accept the social practices and norms that oppress them – and that their judgments may therefore not always enlighten us on the requirements of global gender justice, Okin advocates resorting to a revised version of the Rawlsian original position, which, by depriving its parties of information about the personal characteristics and the social position of those they represent, obliges them to take into account the many differences that may exist between women and to pay particular attention to the situation of those who are most disadvantaged (Okin 1994, pp. 18-21). Even if she recognises the necessity to jointly engage in dialogue with oppressed women, Okin is of the opinion that “*committed outsiders can often be better analysts and critics of social injustice than those who live within the relevant culture*” (Okin 1994, p. 19).

Yet, in spite of their explicit willingness to take seriously and to combat sexist oppression on a global scale, approaches like Okin’s (or at least the implicit assumptions upon which they rely) have been accused of contributing to the oppression of those women they pretend to want to liberate⁴. Far from being universal, the value they attach to women’s capacity to leave unchosen relationships, and correlatively to their economic independence, would in fact be peculiar to a Western and contestable ideal of freedom (Khader 2019, ch. 2). Instead of recognising the value that relationships which are entered into and maintained by social pressures and by a concern for the needs of others may have for women, these approaches tend to regard them as morally suspect, indeed as one of the main causes of sexist oppression. Not only do these approaches threaten non-Western women’s ways of life, but they also tend to overlook both the advantages these women can draw from unchosen relationships and the costs that leaving these relationships can impose on them⁵. In so doing, they risk deteriorating the situation of non-Western women and hence impeding global gender

³ Okin’s main targets here are anti-essentialist feminists such as Elizabeth Spelman and Ruth Anna Putnam. She does not deny the importance of racist and classist oppression, but she believes that “sexism is an identifiable form of oppression, many of whose effects are felt by women regardless of race or class” (Okin 1994: 7).

⁴ One could also mention Martha Nussbaum’s capability approach, which also positions itself against certain forms of anti-essentialism and moral relativism, and which also mobilises the idea that oppressed women tend to adapt their preferences to the oppressive conditions in which they find themselves (Nussbaum 1992; Nussbaum 1998; Nussbaum 2000).

⁵ As several postcolonial theorists have pointed out, a seemingly oppressive practice such as seclusion can provide women with an area of freedom and resistance to sexist norms (Ahmed 1982); and conversely, an intervention aimed at increasing women’s revenues through work can result in men becoming reluctant to pay for childcare costs or in women being subject to a heavier workload (Chant 2008).

justice in the name of a Western way of life deemed morally superior and universally desirable (Khader 2019, p. 63).

This risk of imperialist drift is further exacerbated by the mobilisation of the idea of “internalised oppression”. From the moment this idea is applied by Western feminists to describe the situation of non-Western women, it indeed tends to establish a hierarchical relationship between Western and non-Western women – the former being self-presented as agents free to make their own decisions within a progressive liberal and egalitarian culture; and the latter being re-presented as passive victims of patriarchal constraints within a backward culture that is inimical to women’s interests (eg, Jaggar 2005, p. 68; Mohanty 2003, ch. 1; Narayan 1997, p. 15). Yet, as Uma Narayan has pointed out, the fact that a woman can indeed have preferences that are deformed by the limited options that patriarchy makes available to her does not mean that she completely endorses the patriarchal norms and practices of her culture or that she is “dupe of patriarchy” (Narayan 2002). She must rather be seen as “bargaining with patriarchy”, that is, as making genuine choices, which must be recognised and respected, within the constraints that patriarchy imposes on her. The danger with the idea of ‘internalised oppression’ is that it risks erasing the agency of oppressed women (Narayan 2002, p. 422) and justifying Western women’s paternalistic incursions into non-Western women’s lives on the ground that they are less oppressed and hence better placed to identify and to combat global gender injustices. The result would be a new form of oppression, which rules out the very possibility that oppressed women might have a better understanding of the situation in which they find themselves than those who, in the West, seek to ‘save’ them by raising their awareness of gender issues or by converting them to values they fail to embrace (Jaggar 2005, pp. 69-71; Narayan 1997, p. 57, pp. 59-60)⁶.

That feminism has had a sometimes complicated relationship with individual freedom is further illustrated by the debates that have been dividing proponents of so-called ‘relational’ theories of autonomy for several years. What characterises these theories is a willingness to break with traditionally atomistic or individualised conceptions of autonomy and to acknowledge the importance people attach to interpersonal and care relationships as well as the role played by their socio-relational environment in the formation of their identity and in the development of their capacity for self-government. Most contemporary theories of autonomy can be considered relational in this broad sense. However, among them, some are relational in a narrower sense: in addition to acknowledging the ways in which a person’s socio-relational environment can promote or hinder their autonomy, they also take some aspects of this environment to be ‘constitutive’ or ‘definitive’ of their autonomy (Christman 2009, p. 166). It is these theories that have sparked the most controversy, notably due to their potentially oppressive implications.

‘Constitutively relational’ theories of autonomy can be divided into two broad categories: ‘strong substantive’ and ‘socio-relational’ theories (Stoljar 2022). ‘Strong substantive’ theories of autonomy place direct normative limits on the content that an autonomous preference can have (Benson 2005). They hold, for instance, that a preference for servility (eg, Superson 2005, Hill 1991) or a preference resulting from oppressive socialisation (eg, Benson 1991; Charles 2010; Stoljar 2000) cannot be considered autonomous because its content is morally unacceptable or incorrect. One of the most discussed arguments over the last years has been advanced by Natalie Stoljar. It holds that only a strong substantive conception of autonomy can account for the “feminist intuition” according to which “preferences influenced by oppressive norms of femininity cannot be autonomous” (Stoljar 2000, p. 95). Stoljar gives the example of women who decided to take a contraceptive risk and whose decision was in large part motivated by social norms that make women’s worthiness conditional on their capacity to give birth or on their refusal to have sexual intercourse (and hence also to use a means of contraception) before marriage (Stoljar 2000, pp. 98-100)⁷. According to her, the problematic character of this decision cannot be attributed to a lack of rationality because these women often did subject their decision-making to a process of critical reflection balancing the costs and benefits of using or not using a means of contraception. If feminists remain reluctant to consider this decision autonomous, it is because the costs and the benefits that were balanced stemmed from false and oppressive norms of femininity that these women had internalised (Stoljar 2000, p. 109). In other words, the lack of autonomy that the “feminist intuition” captures is for Stoljar to be explained by the *content* of the preferences that existing oppressive gender norms prompt women to form.

‘Socio-relational’ theories of autonomy, for their part, place limits on the socio-relational environment in which an agent must find themselves in order for them or their preferences to be considered autonomous (eg, Oshana 2006, Stoljar 2014, Mackenzie 2015). These theories thus shift the attention from an internal to an external dimension of the agent: autonomy no longer demands that the content of their preferences be in accordance with morally acceptable or correct features of the world, but that their socio-relational environment meet certain requirements (Stoljar 2022). They too, however, seek to account for some intuition: in this case, the intuition that certain kinds of external constraint are incompatible with self-government, even if they result from a free and informed consent (Oshana 2006, p. 52). Marina Oshana, whose work offers the most developed account, gives the example of the voluntary slave, the subservient wife and the Taliban woman. In her opinion, these three figures cannot possibly be considered autonomous because they are deprived of the *de facto* power and authority to control essential aspects of their lives (Oshana 2006). That is, their lack of autonomy does not stem from the content of their preferences, but from their being completely subjected

⁶ As Alison Jaggar specifies, this does not mean that Western feminists cannot criticise non-Western cultural practices, but they must remain aware of their colonial past and geopolitical present, and mindful of the latter’s impact on how their criticisms might be interpreted and instrumentalised (Jaggar 2005, p. 74).

⁷ Stoljar draws in this example on a famous study conducted by sociologist Kristin Luker (1975).

to the will of another. Autonomy, Oshana argues, presupposes having “access to a range of relevant options” (Oshana 2006, pp. 84–6) and enjoying some measure of “substantive independence” such as being able to pursue goals different from those of one’s superiors, not being required to look after another’s needs (unless one’s particular function justifies it), and being financially self-sufficient (Oshana 2006, pp. 86–7).

‘Constitutively relational’ theories of autonomy have been developed by feminist philosophers in order to understand the ways in which oppressive norms and social conditions can erode women’s capacity to govern themselves, while at the same time acknowledging the inherently relational dimension of human life. Yet, they too have been accused of contributing to the oppression of those women they pretend to want to liberate. A first concern relates to their perfectionist character. According to John Christman, what approaches such as Stoljar’s and Oshana’s are basically doing is importing (liberal and Western) values of individual independence into the very definition of autonomy, and hence assuming that these values are desirable for women regardless of what women actually desire (Christman 2004, pp. 151–2; Christman 2009, pp. 172–3)⁸. They imply, for instance, that a woman who rejects any ideal of “independent life” (Christman 2009, p. 171) or “individualized self-government” (Christman 2009, p. 172) and decides instead to embrace a life of religious devotion or of strict obedience to the will of another cannot *possibly* be autonomous, even if she subjected her decision-making to a genuine process of critical reflection. This perfectionist stance raises for Christman a second concern. Not only is it disrespectful of the agency of certain women, but it also threatens to disqualify their voices and to remove the main argument against coercive paternalism (Christman 2004, p. 157). This anti-paternalistic concern is also shared by Serene Khader. As she has pointed out, from the moment we make non-oppression into a *constitutive* element of autonomy, we are committed to the view that oppressed women are *by definition* less autonomous than non-oppressed women (Khader 2020; Khader and McGill 2023). And given the role that the concept of autonomy is typically assumed to play – namely, to ground the right to make one’s own decisions (Khader 2020, pp. 514–6) and to set the boundaries of anti-paternalistic protection (Christman 2004, p. 147, p. 158; Christman 2009, p. 185) –, denying autonomy to an oppressed woman in fact amounts to doubting that she is the best judge of her own interests and to justifying paternalistic intervention in her life by autonomous (ie, non-oppressed) outsiders (Khader 2020, pp. 503–5).

Thus we end up again with the same kinds of criticisms as those raised within the global gender justice debate. At the heart of both debates, we find a common thread: a feminist thought that seeks to extend women’s freedom across cultures or national borders and that ends up being charged of perpetuating and reinforcing an imperialist domination, notably by imposing liberal and Western values of individual independence on all women regardless of their endorsement of these values (*perfectionism*), and by discrediting and superseding the voices of oppressed women (*paternalism*). What are we to think of this tension? Might the individual freedom cherished by cosmopolitan feminists not, after all, be a universal value? Is it impossible for a feminist to adopt a cosmopolitan posture without slipping into some form of imperialism? What I aim to show in the next section is that in spite of their strong dissensions, cosmopolitan feminists and their anti-imperialist critics tend to converge on one essential point: the value of individual freedom. More particularly, I will argue that the normative force of the anti-imperialist critiques we have considered thus far ultimately relies on, or at least can hardly be explained without, an implicit recognition of the universal value of individual freedom. To accuse cosmopolitan feminism of being imperialist is above all to accuse it of impairing the individual freedom it claims to want to protect.

2. The Universal Value of Individual Freedom

Let us start with the anti-paternalistic critique. The driving idea behind it is that it is morally unacceptable to interfere with another’s freedom – ie, to withdraw some of their options or to make them costlier – against their will on the ground that doing so would advance their good. If this critique reaches us, that is, if we agree that Western feminists should not usurp the decision-making of non-Western women, it is essentially because we believe that the latter are able to decide by themselves what ends to pursue and how to pursue them, and that they must be respected in the exercise of this capacity. In other words: underlying the rejection of coercive paternalism is both the recognition and the valuing of individual freedom. Admittedly, one could also advance consequentialist considerations and emphasise that non-Western women – even if, as any other women, they cannot completely avoid internalising the norms that oppress them – remain overall better placed than Western feminists to know what would promote their good. However, it is important to see that the anti-paternalistic critique would still apply even in the absence of this epistemic advantage: respecting another’s capacity to set and to pursue ends also means letting them make decisions contrary to their good rather than coercively interfering with their decision-making. It must also be noted that the anti-paternalistic critique concerns not only the imposition of ends, but also the imposition of particular means to attain ends: it would still apply even if the good to be attained by way of constraint corresponds to the good as viewed by others themselves.

But as we have seen, the anti-paternalistic critique is coupled with an anti-perfectionist critique. Western feminists are not only accused of deciding for and hence limiting the freedom of non-Western women for *their* own good, but also of imposing on them a conception of *the* good they do not endorse – namely, an ideal of Western life that values economic independence, the freedom to choose one’s relationships, and the freedom to question or reject traditions. Put differently, Western feminists are accused of wanting to

⁸ In so doing, they paradoxically lead us back to the kind of individualism so-called ‘relational’ theories of autonomy aimed at avoiding (Christman 2009, p. 172).

coercively promote a conception of the good that they deem *objectively* superior, and hence desirable irrespective of what non-Western women actually desire.

The distinctively *liberal* character of this ideal of life can give the impression that what is contested is the value of individual freedom itself. This is indeed what certain anti-imperialist critics seem to maintain. Emphasising the unchosen character of the most fundamental forms of relationality that cut across and shape human existence – family relationships, which are at the same time relationships of love, responsibility, dependence, and authority, are a good example (Abu-Lughod 2013, p. 220)– anthropologist Lila Abu-Lughod not only observes that women often cannot “choose “freedom”” or “find their “freedom” often compromised”, but also raises doubts about the importance that their relationships be chosen (noting, for instance, that one can anyway never know what one exactly consents to when one consents to a relationship) and comes to identify autonomy with a “fantasy” (Abu-Lughod 2013, pp. 217-8). In a similar vein, anthropologist Saba Mahmood purports to question the assumption – according to her, central to liberal thought – that “all human beings have an innate desire for freedom” (Mahmood 2012, p. 5), and more particularly, that all women are animated by a “desire [...] to be free [...] from structures of male domination” (Mahmood 2012, p. 10). She refers in this context to the female participants in the urban mosque movement she studied in Egypt and whose religious practices are embedded within and uphold a tradition that has historically maintained women in a position of subordination with regard to a transcendent will and to male authority (Mahmood 2012, pp. 2-6). More fundamentally, she purports to challenge the importance that liberalism and feminism have attached to individual freedom understood as the “capacity to formulate and pursue self-determined objectives and interests” (Mahmood 2012, p. 10).

However, paradoxical though it may seem, even Mahmood’s questioning of the value of individual freedom ultimately seems to rely on a valuing of individual freedom. Not only does the fact that freedom is not desired by all human beings not entail that freedom is irrelevant. But more importantly, it seems that the very practices of the movement studied by Mahmood cannot but presuppose the relevance of individual freedom since, as she puts it, they “presuppose the existence of a divine plan for human life [...] that each individual is *responsible* for following” and require all participants “to *recognize their moral obligations* through invocations of divine texts and edificatory literature” (Mahmood 2012, p. 30 – italics mine). That is, at the heart of these practices is the recognition that their participants are moral agents, subject to various moral obligations and responsible for their (non-)fulfilment; yet, there can be no question of such moral agency unless we assume that these participants are free beings to begin with. Likewise, Abu-Lughod’s insistence that women see their freedom often compromised by all kinds of unchosen responsibilities (and that their socialisation has a greater impact than some liberals are willing to admit) does not mean that they are devoid of freedom nor that their freedom cannot realistically be diminished or improved. Here again, freedom and responsibility should not be seen as mutually exclusive, but as implying one another: our responsibilities are admittedly not always chosen, but they nevertheless remain freely assumed or rejected. Moreover, even if it is true that we can never know what exactly we consent to when we consent to something, this does not mean that our consent does not matter at all or that others can simply decide for us how we should lead our lives.

Taken together, these different considerations suggest that the main point of disagreement between cosmopolitan feminists and their anti-imperialist critics does not concern the value of individual freedom as such. As we have just seen, anti-imperialist critics appear to agree that women cannot be coerced into acting or not acting in certain ways on the ground that doing so would advance ‘their’ good or what others take to be ‘their’ or even ‘the’ good. Their condemnation of paternalistic and perfectionist practices can indeed hardly have any normative force unless they acknowledge and value individual freedom, and more precisely, unless they acknowledge that each woman has the capacity to decide by herself what ends to pursue and how to pursue them, and must be respected in the exercise of this capacity. Where views diverge is on the value of certain conceptions of individual freedom. What anti-imperialist critics mainly reject (and attribute to many Western feminists) is a conception of individual freedom as ‘autonomy’, and more specifically, as the capacity to set and to pursue one’s *own* ends, relieved of the weight of customs, traditions or social pressures (Mahmood 2012, p. 8, p. 11, p. 31; Abu-Lughod 2013, pp. 217-8. See also Herr 2018). They refuse to regard autonomy so understood as a universal ideal or standard of human agency, and insist instead that freedom (or ‘agency’ as they often prefer to call it) can also manifest itself by pursuing ends that are commanded by God or by conforming to socially prescribed norms of conduct. In this sense, we can say that what anti-imperialist critics blame cosmopolitan feminists for is impairing the individual freedom they claim to want to protect. Does this mean that cosmopolitan feminists, if they are to avoid slipping into an imperialist posture, should confine themselves to respecting and protecting women’s capacity to choose *by themselves*, even if they fail to do so *for themselves*? Or are there limits to the way women may exercise their freedom, and in particular, to the relations of subordination they may decide to enter into? In what follows, I will argue that there are indeed limits to what women are morally authorised to consent to, and derivatively, to the socio-relational environment in which they may legitimately find themselves. To this end, I will draw on Kant’s *Doctrine of Right* and more precisely on the role played in it by a notion that has today fallen into disuse: the internal duty of rightful honor (*honeste vive*).

3. A Duty not to Renounce one’s Juridical Personality

The idea that I will defend in this section is that from the moment we acknowledge the universal value of individual freedom – and as I have just argued, this is what both cosmopolitan feminists and their anti-imperialist critics implicitly do –, we must also acknowledge that the freedom of each woman must at least be

preserved, and this, not only by others but also by herself. This in turn means that there are limits to the kinds of contracts that a woman is morally authorised to make, and hence to the special duties and rights that she is morally authorised to acquire.

That the value of individual freedom places limits on what a human being is morally authorised to consent to is, in my view, what Immanuel Kant expresses when he recognises, in the *Introduction to the doctrine of right*, the existence of an internal duty of right or duty of “rightful honor”. As he puts it, this duty “consists in asserting one’s worth as a human being in relation to others, a duty expressed by the saying, “Do not make yourself a mere means for others but be at the same time an end for them.”” (MM, AA 6:236). He also adds that “[t]his duty will be explained later as obligation from the right of humanity in our own person” (MM, AA 6:236). While no such explanation is finally provided, there is reason to believe that the “right of humanity in our own person” corresponds to the right to “*Freedom* (independence from being constrained by another’s choice), insofar as it can coexist with the freedom of every other in accordance with a universal law”, which Kant presents as the only right that human beings possess merely in virtue of their humanity (MM, AA 6:237). This interpretation also fits with Kant’s claim that to represent a human being merely in terms of their *humanity* (rather than as a *human being* affected by physical attributes) is to represent them in terms of their capacity for freedom (MM, AA 6:239)⁹.

Accordingly, to say that human beings have a duty of rightful honor is essentially to say that they owe it to themselves never to abandon their innate right to freedom: they cannot, by means of any rightful act, cease to be subjects of rights, that is, renounce their capacity for putting others under obligation (MM, AA 6:237; MM, AA 6:239) or their authorisation to coerce others (TP, AA 8:292). They are “accountable to the humanity in [their] own person” and cannot, therefore, be the owners of themselves and dispose of themselves as they please (MM, AA 6:270). And since they “cannot have property in [themselves]”, they can even less have “property in the person of another” or be allowed to treat another as a mere means or as a thing (TP, AA 8:293; MM, AA 6:359). Or to put it differently: human beings always remain under a duty to respect “the right of humanity in their own person” or to preserve their juridical personality, and as a consequence, they also always remain under a duty to respect one another as juridical persons endowed with an inalienable right to freedom¹⁰.

The duty of rightful honor thus excludes any interpersonal relationship involving the juridical depersonification of one of its parties. No human being can, by a contract, oblige themselves to such a dependence that they cease to be a juridical person or a subject of rights (MM, AA 6:330)¹¹. And *a fortiori*, no human being can, by a contract, become the owner of another human being (although they can become their master), and dispose of them as they please since, given everyone’s equal possession of an innate right to freedom, it is only by a contract that one can bring another under one’s control and any contract by which one of its parties would forgo their right to freedom entails a violation of the duty of rightful honor (MM, AA 6:283). When it comes to specifying what kinds of interpersonal relationships the duty of rightful honor exactly rules out, Kant unsurprisingly refers to slavery. As he repeatedly points out, a contract by which a human being consents to make themselves into a being that no longer has any rights, but has only duties – that is, into a slave or a “human being without personality” – is null and void (TP, AA 8:292; MM, AA 6:241). The duty of rightful honor takes us here to the limits of what a human being can consistently consent to: a slavery contract nullifies itself because it deprives one of its parties both of the right to make a contract (TP, AA 8:292) and of the juridical duty to respect that contract (MM, AA 6:283).

By extension, the duty of rightful honor also excludes any public law involving the juridical depersonification of one of its subjects. This follows from Kant’s claim that the justice of a public law is a function of its compatibility with the “idea of the original contract” (TP, AA 8:297; TP, AA 8:299; TP, AA 8:302). As he puts it, a public law is to be considered just “if it is *only possible* that a people could agree to it” and it is to be considered unjust if “a whole people *could not possibly* give its consent to it” (TP, AA 8:297). Given that a human being is not morally authorised to renounce their “right of humanity in their own person”, a public law involving the juridical depersonification of one of its subjects could not possibly be consented to by all its subjects, and must therefore be considered contrary to the idea of the original contract and hence unjust. Returning to the example of slavery, this means that any public law authorising slavery is necessarily unjust since, slavery contracts being morally impossible, it could not possibly accord with the idea of the original contract.

At this point, it is important to emphasise that the Kantian duty of rightful honor, although it refers to an internal duty or duty to oneself, does not involve blaming victims of juridical depersonification. Its role is not to hold people responsible for the depersonifying treatment that others inflict on them¹², but to affirm the *unconditional* value of their freedom, by emphasising that a contract, and by extension, an interpersonal re-

⁹ For a detailed and challenging examination of how the duty of rightful honor relates to the innate right to freedom, see: Pinheiro Walla (2022, pp. 117-9)

¹⁰ My understanding of the duty of rightful honor echoes Sofie Møller’s, which presents it as a duty “to assert oneself as a subject of the law” – a duty that establishes “legal personality” and that constitutes “a necessary presupposition of all legal relations” (Møller 2022: 190). It is also close to Luke Davies’ understanding, notably when it identifies the duty of rightful honor with a “status requirement”, which rules out actions that “would strip a person of her juridical status” (Davies 2021, p. 327).

¹¹ Note however that in Kant’s view, even though a human being cannot lose their juridical personality or their authorisation to coerce others by a rightful act (eg, a contract), they can forfeit it by a wrongful act, that is, by committing a crime (TP, AA 8:292; MM, AA 6:283; MM, AA 6:329-30; MM, AA 6:333; MM, AA 6:358).

¹² The situation is different when one takes an ethical instead of a juridical perspective. In this respect, it is worth noting that, besides a duty of rightful honor (*honestas juridica*), Kant also recognises an ethical duty of love of honor (*honestas interna*), which consists in not “adopt[ing] principles that are directly contrary to one’s character as a moral being [...], that is, to inner freedom” (MM, AA 6:420), and which entails, among others, not “let[ting] others tread with impunity on [one’s] rights” (MM, AA 6:436). The violation of this ethical duty constitutes a vice for which one can rightly be blamed, even though this blame “must never break out into

relationship and a public law cannot possibly be considered just if they contradict their right to freedom. In this regard, the duty of rightful honor reaches further than the duty not to wrong others. That we have a duty not to wrong others or not to unduly limit their external freedom does by itself not rule out that we could acquire the right to treat them as things *if* they consented to being so treated. Yet, it is precisely this kind of argument that the duty of rightful honor amounts to blocking. By prohibiting a human being from abandoning their right to freedom or ceasing to be a juridical person, the duty of rightful honor rules out that others could ever be exempted from the duty to respect their right to freedom¹³.

The notion of ‘duty of rightful honor’ also allows us to refine our understanding of the humanity formula of the categorical imperative, especially as it relates to duties owed to others (GMM, AA 4:429-30). This formula’s requirement never to use another merely as a means has often given rise to consent-based interpretations. According to one such interpretation, the reason why coercive and deceptive actions can be said to use another as a mere means is that they preclude the very possibility of consent: their victim is denied a choice between consenting or dissenting to these actions (O’Neill 1995). Another interpretation shifts the attention from possible to actual consent and holds that we use another merely as a means when we use them as a means to our ends without making this use conditional on their actual consent (Kleingeld 2020). Yet, as several commentators have pointed out, consent-based interpretations generate counterintuitive results. Some other-regarding actions can be morally acceptable, indeed required, even in the absence of the other’s (possible or actual) consent (an example is performing CPR on an unconscious jogger we happen to come upon in a park) (Fahmy 2023, pp. 44-7; Kerstein 2008). The reverse is also true: some other-regarding actions can remain morally unacceptable despite the other’s consent to these actions. As we have seen, this is the case for slavery, which remains contrary to right whether or not it is consented to by the parties involved. And as Melissa Seymour Fahmy has convincingly argued, the best way to account for such limits to what consent can normatively transform is in terms of duties to self: given that duties to self are duties we lack the power to release ourselves from, they are also duties we lack the power to release others from (Fahmy 2023, p. 49). To return to slavery: the ultimate reason it is morally unacceptable to reduce another to slavery is not that the other is denied the possibility to consent or did not actually consent to being so treated, but that it is morally impermissible to free oneself, and hence also to free others, from the duty to respect “the right of humanity in one’s own person”.

Let us now return to the debate that divides cosmopolitan feminists and their anti-imperialist critics. What I would like to suggest is that, by insisting on the preservation of one’s juridical personality, the Kantian duty of rightful honor also allows us to envisage a feminism that is cosmopolitan without being imperialist. It points in the direction of a *cosmopolitan* feminism because it affirms the universal and unconditional value of individual freedom. It emphasises that each woman, whatever the culture or the state she belongs to, possesses a right to freedom simply in virtue of her humanity, and that all human beings have the duty of right to refrain from entering interpersonal relationships and enacting public laws that contradict this right. As we have seen, this rules out slavery contracts, which entail some sort of logical impossibility. But it is worth noting that Kant also mobilises the idea of juridical depersonification to invalidate certain kinds of labour contracts. Thus he argues that a labour contract “cannot be concluded for life” or oblige a human being to perform services that are “*indeterminate* in terms of their quantity” because the employer would then be authorised to use their powers as they please and hence to “exhaust them” or to “us[e] them up” (MM, AA 6:283; MM, AA 6:330). Such a labour contract would mean that the employee has renounced their personality and given themselves away, as property, to their employer, “which is impossible” (MM, AA 6:330). And here again, the moral impossibility of this kind of labour contract entails the injustice of any public law authorising it¹⁴.

The cosmopolitan feminism that the duty of rightful honor allows us to glimpse also has a *non-* and even an *anti-imperialist* potential. The limits it places on the exercise of individual freedom can indeed hardly be considered paternalistic or perfectionist. Far from usurping the decision-making of oppressed women, they consist in preserving their very status as subjects of rights. More particularly, they protect their right to have rights, which is the precondition of any specific rights they may possibly acquire (Frick 2021, pp. 191-3), and correlatively, they prevent their being treated as things to which nothing is owed as a *matter of right*. The duty of rightful honor thus points to a minimal threshold of justice below which domestic societies are never allowed to fall, and as such, it leaves room for a great variety of lifestyles and ways of organising society. It is worth recalling here that Kant takes a public law to be just if it is consistent with the idea of the original contract, that is, “if it is *only possible* that a people could agree to it” (TP, AA 8:297). As he specifies, this can happen “even if the people is at present in such a situation or frame of mind that, if consulted about it, it would

complete contempt and denial of any moral worth” as this would contradict “the idea of a human being, who as such (as a moral being) can never lose entirely his predisposition to the good” (MM, AA 6:463-4).

¹³ It is worth noting that in lecture notes and drafts preceding the publication of *The metaphysics of morals*, Kant conceived of *honeste vive* as an ethical duty and presented the duty not to wrong others (*neminem laede*) as the first duty of right (Tomassini 2020, p. 263). On my account, conceiving of *honeste vive* as a duty of right has the implication of placing limits on what a person’s consent can normatively transform. More specifically, I believe that the duty of rightful honor can be seen as correlating with what Melissa Seymour Fahmy has called “consent-insensitive duties”, that is, duties whose violation entails using another person *merely* as a means regardless of whether that person gave valid consent to being so used (Fahmy 2023).

¹⁴ It must be noted that Kant also excludes some labour contracts due to the quality (and not only due to the indefinite quantity) of the work to be performed. This comes out most clearly in his discussion of prostitution (*pactum fornicationis*): since a human being cannot dispose of themselves as they please (ie, as a thing), they have no right to hire their body for the satisfaction of another’s sexual inclinations (eg, MM, AA 6:277-80; MM, AA 6:359-60; LE, AA 27:384-92). For feminist work drawing on a Kantian conception of depersonification to theorise and to condemn pornography, see Dworkin (1989, 2000) and MacKinnon (1987).

probably refuse its consent” (TP, AA 8:297). Indeed, from the moment it is not self-contradictory for a whole people to consent to a given public law, “however bitter they might find it, the law is in conformity with right” (TP, AA 8:299). What these claims suggest is that Kant endorses a binary (as opposed to a scalar) conception of the justice of a public law: a public law cannot be more or less just, but can only be either just or unjust, that is, either consistent or inconsistent with the idea of the original contract. By extension, it might be argued that any contract involving no juridical depersonification is to be considered just, however inegalitarian or hierarchical the relationships it establishes may be. As long as they do not abandon their juridical personality, women’s decision to submit to the dictates of a religion or to the will of their spouse are to be deemed in conformity with right and may therefore not be coercively interfered with. The question that arises here, however, is whether a cosmopolitan feminism can content itself with an opposition to the juridical depersonification of women.

4. Gender Inequality, and Informal Social Practices and Norms

As already indicated, feminist struggles are typically presented as struggles aimed at liberating women from sexist oppression. According to one of its most common definitions, sexist oppression refers to social structures that systematically disadvantage members of one gender group relative to members of others (Frye 1983; hooks 2000; Khader 2019). That is, sexist oppression basically raises an issue of *gender inequality*. Yet, the absence of juridical depersonification does not guarantee the absence of social institutions, practices, and norms placing women at a systematic disadvantage compared to men. Another critical issue concerns the *impact of informal social practices and norms*. The depersonification of women is not restricted to the juridical sphere, but can also manifest itself in beliefs or ways of perceiving women that are shaped by the content of one’s culture. Thus popular forms of culture (eg, movie, fashion, advertising) can convey an image of women that reduces women to mere bodies and hence fails to adequately acknowledge their personality (eg, Bartky 1990; Bordo 1993). These implicit forms of depersonification are of particular concern for feminists since they can affect the perception that women have of themselves and thus encourage their internalisation of sexist oppression. They can also motivate and sanction active forms of depersonification, ranging from the violation of women’s basic rights to the annihilation of their juridical personality itself. The question is whether it is possible for a cosmopolitan feminism to address these specific aspects of sexist oppression without slipping into an imperialist posture. In what follows, I would like to suggest two avenues for further reflection. Even though they are not explored by Kant himself, I believe that his practical philosophy provides us with conceptual and normative resources for framing these specific feminist concerns within a broader concern with the depersonification of women.

To begin with the issue of *gender inequality*, it is worth underlining the link that Kant establishes between the right to freedom and the right to equality. As he indicates in the *Introduction to the doctrine of right*, the “principle of innate freedom already involves [several] authorizations, which are not really distinct from it”, among which “innate *equality*, that is, independence from being bound by others to more than one can in turn bind them” (MM, AA 6:237). It is also in the name of “civil equality” that he rejects as unjust any public law allowing hereditary nobility, that is, granting a certain class of subjects the hereditary (and hence innate) privilege of occupying the ruling rank (TP AA 8:292-4; TP AA 8:297; AA 8:350-1). In a way that is reminiscent of his condemnation of slavery, he argues in this context that “Since we cannot admit that any human being would throw away his freedom, it is impossible for the general will of the people to assent to such a groundless prerogative, and therefore for the sovereign to validate it” (MM, AA 6:329)¹⁵. As he puts it, if a subject does not reach the same level as others, the fault must lie “only in himself ([his lack of] ability or earnest will) or in circumstances for which he cannot blame any other, but not in the irresistible will of others” (TP, AA 8:293-4). Now, even if Kant does not explicitly pursue this line of thought, one may wonder whether the structural privileges involved in sexist oppression could not be compared to feudal privileges on the ground that both have social causes and cannot therefore be reduced to circumstances for which nobody can be blamed. If so, a link could be made between the duty of rightful honor (or the duty to refrain from juridical depersonification) and the duty to combat sexist oppression.

Furthermore, as far as the impact of *informal social practices and norms* is concerned, it is worth noting that, in Kant’s view, the unconditional value of individual freedom generates not only duties of rights but also ethical duties. And just as the duty of rightful honor, some of these ethical duties are essentially directed at *preserving* the very personality of human beings. The main point of difference is that they concern no longer the *right* but the *end* of humanity in our own person (MM, AA 6:240). They are negative duties that demand not to adopt principles that contradict human beings’ character as moral beings, that is, their inner freedom or moral predisposition (MM, AA 6:420; MM, AA 6:435; MM, AA 6:449-50). Particularly relevant for the issue at hand is the ethical duty of respect toward others. As Kant specifies, its point is not “to *revere* others” or “to show them *positive* high esteem” (MM, AA 6:467), but to refrain from “detract[ing] anything from the worth that the other, as a human being, is authorized to put upon himself” (MM, AA 6:450). Just as we cannot throw away our own personality, so too we cannot “act contrary to the equally necessary self-esteem of others, as human beings” (MM, AA 6:462). The ethical duty of respect toward others can therefore be viewed as a duty not to contribute to their ethical depersonification. My suggestion is that a closer examination of this duty would allow us to go beyond strictly juridical considerations and to bring into relief the importance of ethical attitudes in the elaboration of a non-imperialist cosmopolitan feminism. More specifically, I believe that

¹⁵ Here again, however, Kant admits that subjects can fall from civil equality by their own crime (TP, AA 8:293; MM, AA 6:329-30).

the ethical duty of respect provides us with resources to account for a duty to refrain from social practices and norms that encourage women to see themselves as things and hence to depersonify themselves. It also warns us against the vice of arrogance (*superbia*). As Kant points out, to be arrogant is to demand from others that they think little of themselves in comparison with us or to demand from them a respect that we deny them (MM, AA 6:465). As such, arrogance is in direct violation of the ethical duty of respect toward others. Even if we disagree with others' opinions or decisions, we remain under a duty to always "preserve [their] respect for [their] own understanding" and not to contradict their "predisposition to the good" (MM, AA 6:463-4). This requirement surely applies to cosmopolitan feminists too: they remain under a duty not to disqualify or silence the voices of other women as doing so, far from liberating them, would in fact amount to depersonifying them¹⁶.

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