

Women as Passive Citizens in Kant's Theory of Citizenship

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Abstract

Kant, who is one of the contractarian theorists in political philosophy, positions the person who has the right to vote and participates in the legislative process as a citizen. This positioning is directly related to Kant's attribution of citizenship to the independence precondition. For Kant, independence means that a person possesses a certain amount of ownership that enables him to sustain his life on his own. The person who owns a certain quantity of property is the master of himself as he will not receive orders from the others and will not need the protection of others. Positioning an independent person as an active citizen with political rights, Kant considers persons who are non-owners as passive citizens because they cannot meet the prerequisite for independence. Passive citizens who are deprived of all political rights are merely citizens of the state. According to Kant's argument, women can never move up to the active citizenship status, although the republic has cleared the way for the possibility that every member of the republic could eventually move up to the active citizenship status. The status of being a man of property, which is a prerequisite for the independence criterion, loses all its functions when women are in question. Even if a woman is a property owner, this is still considered insufficient for the independence criterion. Kant bases his idea on the assumption of women's nature and the prenuptial agreement.

Keywords: Kant, the original contract, active citizen, passive citizen, principle of independence, women's nature.

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Kant'ın Vatandaşlık Teorisinde Edilgin Vatandaş Olarak Kadın

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Öz

Siyaset felsefesinde sözleşmecî teorisyenlerden biri olan Kant, yasama işlerinde yasalara yapılmasına iştirak eden, oy hakkına sahip olan kişiyi vatandaş olarak konumlandırır. Bu konumlandırma, Kant'ın vatandaşlığı bağımsızlık önkoşuluna dayandırmasıyla doğrudan ilişkilidir. Kant için bağımsızlık, kişinin hayatını kendi kendine idame ettirebilmesini sağlayan belli bir miktarda mülkiyete sahip olması anlamına gelir. Belli miktarda mülkiyete sahip olan kişi, başka birisinden emir almayacağından ve başkalarının korumasına da muhtaç olmayacağından kendi kendisinin efendisi durumundadır. Bağımsız kişiyi politik haklara sahip etkin vatandaş olarak konumlandıran Kant, mülk sahibi olmayanları bağımsızlık önkoşulunu sağlayamadıklarından edilgin vatandaş olarak görür. Tüm politik haklardan mahrum olan edilgin vatandaşlar devletin sadece uyruğudurlar. Kant, cumhuriyetin her üyesinin zamanla etkin vatandaşlık statüsüne yükselebileme ihtimalinin önünü açık tutmasına karşın, kadınların hiçbir zaman etkin vatandaşlık statüsüne yükselemeyeceklerini savunur. Bağımsızlık kriterinin önkoşulu olan mülk sahibi olma, kadın söz konusu olduğunda tüm işlevini yitirir. Kadın mülk sahibi olsa bile yine de bağımsızlık kriteri için yetersiz görülür. Kant bu düşüncesini, kadın doğası varsayımı ve evlilik sözleşmesi üzerinden temellendirir.

Anahtar Kelimeler: Kant, kökensel sözleşme, etkin vatandaş, edilgin vatandaş, bağımsızlık ilkesi, kadın doğası.

Introduction

The definition attributed to woman only with a biological function forms the dominant way of thinking about women in the 18th century Enlightenment period. Most of the 18th century thinkers identified women only with the body, reproduction, feeding and raising while assuming that the female mind differs from the male mind in terms of abstract thought and moral consciousness. Similar thoughts are also observed from due to gender differences associated to women's nature and specific tendencies, such that women were inadequate in reaching abstract thinking and ethical maturity. This sort of identification contradicts the soul of the Enlightenment period, in which it is fed mainly from the naturalist and humanist attitude of the Renaissance, in which all people are principally advocated to be born free and equal in nature, and in which every person has a full faith in the inherent mental talent and common mental ability.

Casnabet (2005) in attempt to determine the Enlightenment discourse about women in the 18th century Enlightenment, states that this discourse was an aim at turning the free adult man to a universal human model. Many thinkers in this period have a full faith that the female mind is less abstract than the male mind and that is why the women's mental ability is lower than the men's mental ability. Despite the fact that it is admitted that some women were distinguished in literature and certain sciences in the 18th century, there is still a dominant idea that women cannot invent and are devoid of prodigy. Most thinkers of the Enlightenment period justified their thoughts about women with the natural psychological discourse that their woman could not form concepts because it was a presence of passion and imagination. According to this discourse, it has been suggested that the female mind cannot manage the genetic process from perception to abstract thought. Women are stuck in a stage of imagination that does not genetically contribute to knowledge. This imagination is a misleading one that causes us to consider desires as real, encourages fantasies and takes the person out of the true path. Additionally, this imagination, which is seen as the source of fault and wrong, carries a stamp of childhood. Since women are stuck in the imagination stage, they are childish, fragile and unpredictable (Casnabet, 2005:315-317).

On the other hand, nature in the 18th century emerges as both a research object and a normative principle. As a matter of fact, in this period, the question of whether women's nature is the same or different than men's nature rises as a dominant question. Most of the enlightenment thinkers based women's intellectual, moral, social and political status on the different physical structure of their body from that of men. In the 18th century's philosophical texts, expressions such as "nature wanted", "nature provided" or "by women's nature" are very common. Calling nature for help by many thinkers during the Enlightenment period is assessed as the method to work towards a rational female theory. It is implicitly assumed that women are somehow in a direct relationship with nature. Although men are also

considered to be natural beings, their relationship with nature is thought to be invariably indirect. Most enlightenment thinkers associated women to nature and men to culture. The relationship between women and nature is so strong to the extent that nature is thought to be female (Casnabet, 2005:311-312). Moreover, the 18th century is a period where the difference in male and female roles is frequently emphasized (Casnabet, 2005: 323). It is argued that in many texts during the Enlightenment period, marriage should not be based on a relationship between equals. The marriage, which is designed as a voluntary contract, mainly emerges as women's dependency on men. In this contract, the husband is the head of the family, the guardian of his wife, children and servants, if any. On the other hand, motherhood and housekeeping are the primary duties of woman (Casnabet, 2005:318-319).

Defining the social role of women as a man's wife and mother and defending that her ultimate cause is the man, is the most widely acknowledged ideology of the 18th century (Casnabet, 2005:331). Numerous texts in the Enlightenment period include content that sees the woman's essence as wifehood and motherhood and reminds women as orders of nature, such as childbearing and breastfeeding. This insistence on the woman's reproductive role is directly related to her limited status within the house. The Enlightenment period, which suggests that the women mind is not a theoretical mind, that women should not deal with public, government and state affairs, shares the ideal of a gender-based division of labor (2005:317-319). Among the Enlightenment thinkers (2005:322), whose men characterize the mind and power, and the women with the attraction seen as the source of their power, there is no explicit admission of the political role of women - except for Condorcet- (2005:331).

As is seen, the fact that the universal human model implies a free and adult man, and that only the concepts that have moral and political content such as justice and rights are associated with men only appear as a common discourse of many thinkers in the Enlightenment period. However, the discourse in question is not only specific to most of the thinkers in the Enlightenment period, mainly as Okin (1987:44) stated, "The assumption that women are incapable of developing a sense of justice goes back to Plato and continues until Freud." At this point, many thinkers in the Enlightenment period, by continuing this tradition of thought, tried to naturalize and legitimize the secondary position of the historically ongoing woman against men with the theories they have suggested. From this point of view, the aim of this study is to examine the place of women in the theory of citizenship of the German philosopher Immanuel Kant, one of the most significant thinkers of the 18th century Enlightenment period.

The Original Contract

Kant, being one of the thinkers of the 18th century's Enlightenment Period, is known as one of the social contract theorists in the political philosophy. Kant,

who uses the idea of the contract as a thinking experiment about the philosophy of law in the formation of the state, presents us the past existence of man as a product of the mental reconstruction effort of the imagination supported by the mind in his study *The Estimated Beginning of Human History*. In the pre-contract period, where wild and unlawful freedom prevails, public justice is provided in the form of revenge -in the case of nature- (Kant, 2006:96). As Kersting (2010:67) stated, for Kant, it is a thinking experiment about the philosophy of law, which describes the state of nature/pre-contract period, natural and private law. Assuming that the pre-contract period ended with the establishment of a constitutional order that guarantees the freedom of everyone, Kant explains this assumption with the idea of original contract.

The original contract, which expresses the reconciliation of each individual and private will, which constitutes a people in order to realize only legal life, in the form of common and public will is not a phenomenon that has been realized historically, it is only an idea of the mind. According to Kant, although the original contract is an idea of mind, it has its own practical reality. Because the contract obliges every legislator to put his laws in a manner that can be removed from the united will of the whole people and to see each citizen as if he has approved such a will as long as he requests to be a citizen (Kant, 2010: 40). In other words, the legislator has to see himself as a representative of everyone's unified universal will and act accordingly. The laws made by the legislator should be as if they came out of the united will of the people (Kersting, 2010:70).

For Kant, who argues that the fact that every rational being has the right to liberty at birth, being free requires legislation of law. Therefore, he considers it mandatory for every intellectual being to enter into a civil status by making a social contract in order to achieve the right to liberty. Because for Kant, the fact that every intelligent being can become a member of the Kingdom of Purposes depends first of all on the realization of this legal and political duty that relates to external acts. Kant (1991:119), who derives the political philosophy from the philosophy of ethics, defines the state as the "unification of people under the legislation of law". Here, for Kant, law is seen as a way of providing the conditions under which the arbitrary liberty of individuals can be brought together under the general laws of liberty (Kant, 1991). Then, the state to be founded is a state of law and in order to found such a state, laws are needed first. Therefore, the contract is a mental constitution that applies to every political community (Kersting, 2010:71). The original contract, based on advice giving, decision making and reconciliation, is a procedural model and is based on a universal consent. Therefore, it is a guarantee that the results obtained from the original contract will provide justice (Kersting, 2010:70).

Kant, who considers the original contract as an idea of reason, says that a civil/legitimate constitution and the republic will be founded on this the original contract. With this contract, people become members of the republic by renouncing their external liberties (Kant, 2010:40). Because, as Hasan

(2018: 911) stated, Kant sees the guarantee of the right of liberty that human beings have inherent in the political sphere only under a political condition. Political freedom is external and emerges as an independent selection and capacity to act.

Kant presents the transition from the state of nature to the civil state as a demand of practical reason. According to Kant who does not consider the transition from the state of nature to the civil state as a matter of prudence or personal interest, this transition is a duty demanded by practical reason. Since every human being is an entity with reason, people leave the state of nature as apriori (Kersting, 2010). Kant does not use the idea of the contract more than that. In the other contractist theorists - Hobbes, Locke and Rousseau - the willing character of the contract, which we encounter, leaves its place to the metaphysical plane of unconditional practical necessity in Kant's state theory (Kersting, 2010:68-69). Hence, in Kant's design, it is something that condemns the state of moral nature, commands people to unite under external pressure, and force people to establish a legal situation in which respect for human rights is established. All rights are recognized through morality. With this design of him, Kant differs from his contractor antecedents (Hassner, 2010:106). In addition, Kant differs from other contracting theorists in that he designed the establishment of the state as a purely developmental stage because Kant in his policy, using morality and sense of history suggests that peace is based on law and law is based on mind and that due to the nature of things, they are heading to a libertarian, mental and hence to the peaceful situation (Hassner, 2010:82).

The original contract on which Kant based the formation of civil society, which defends the republic rising on the principle of separation of powers as a form of administration, is based on three principles of law. In Kant, the principles of law that emerge as the three formulations of the categorical imperative are liberty, equality and independence. These three principles of law constitute the basic founding principles of the state founded through contract. These three apriori principles, above all that are the principles of mental law which guarantee the liberty and security of every human being, show that that practical reason is prior to the theoretical reason. Kant (2010:34) explains these principles as the liberty of each member of society as a human being; the equality of each member as a national with all others and the independence of each member of the republic as a citizen.

According to Kant (2010:41), the abovementioned principles of law are the highest principles from which all the maxims of the republic are derived. Public welfare, which is the highest law of the state, can only be founded through a legal constitution that guarantees everybody's liberty by law. The possible conditions for the rationally free people to live together without harming each other's liberty are provided by these principles. Due to the fact that the principles of law are based on universal consent, they are able to provide justice in the best manner. Briefly, for Kant, the principles of apriori law are the fundamental founding principles of the state, and therefore the

structure of the state must be based on and conform to these three apriori law principles (Kant, 1991).

With liberty, the first of the apriori legal principles, Kant argues that every human being is capable of exercising his rights and therefore the right to liberty belongs to each member of the republic. Kant, who says that every human being is free as nationals of the state, implicates that with this principle, every human being has the right to create his own life plan without interfering with the liberty of other people, without harming the liberty of others, pursuing goals for this cause and being happy. Accordingly, no administration can impose a certain purpose, a certain understanding of happiness, a certain life plan to any citizen. Because every human being is free as a rational being, he is able to make his own decisions (Kant, 2010:34-35).

The second principle of apriori law which is the principle of equality means that every citizen of the state is subject to the same laws. While each national is equal before the law, there are differences between people who are citizens of the state, such as mental and physical superiority or the chance to own property. Thus;

...an individual's happiness is largely based on the volition of the other (the poor's to the rich), one is obliged to obey the other (child to obey parents, woman to obey husband), while one is serving (worker) and the other pays wages and so on. However, all of them are equal before the law as nationals (Kant, 2010: 35).

Moreover, this principle includes that individuals cannot transfer the privileges arising from their status to the ranks of their descendants, but may leave their ownership, property as a legacy to their descendants. At this point, Kant acknowledged that the right of a person to transfer the inheritance to his descendants would create a great economic inequality among the members of the republic (such as workers-employers, landowners-farm workers), but that he could reach any status, profession in the society with the skill and effort of every national and he thinks that this inequality can be attenuated by saying that the path is open to every national, in other words by emphasizing equality of opportunity.

For Kant, independence, which is the last of the apriori law principles that are the basic founding principles of the state, means that a person is subject to his own volition and can live without being bound by the arbitrary will of the others. Kant, who also names the principle of independence as self-sufficiency, states that people can achieve the principle of independence as members or citizens of the political community. In other words, the principle implies the participation of citizens who have the right to vote and to make laws (Kant, 1991).

Kant, who defines liberty, equality and independence as the laws of a state that can be founded in accordance with the pure rational principles of human external rights (Kant, 2010:34), also positions these principles as three basic qualities of being a citizen. Within this positioning, Kant by highlighting

independence as a prerequisite of citizenship, defines citizenship on the principle of independence (Kant, 1991).

Active and Passive Citizen

Kant argues that individuals who do not possess the characteristics of liberty, equality and independence cannot be considered citizens. For Kant, human being as a rational being is both free and equal. However, not every human being is independent in terms of being just a human being (Kersting, 2010:72). The fact that Kant states that every human being is free and equal, yet not independent, stems from his determination to own property as a prerequisite for independence. To put it in a clearer way, Kant (2010:38) considers the person who has the right to vote as a citizen participating in the legislative process. According to Kant, in order to be considered a citizen, the individual must be neither a child nor a woman but he must be his own master. It is only possible for a person to become a master of himself by having a certain amount of property sufficient to sustain his own life. For Kant, he defines citizenship on the basis of independence, since independence means that he has a certain amount of property that enables him to maintain his life on his own.

From Kant's front, the person who owns a certain amount of property is independent of others' volition, since he will not receive orders from someone else and will not need the protection of others. Kant, who positions the independent person as an active citizen with all political rights, states that the active citizen can participate in making the laws because he has a civil independence. However, non-owners are considered as passive citizens who are pushed out of political participation because they cannot meet the precondition for independence. Those who are considered passive citizens because they do not own property are those who maintain their lives by selling their labor. According to Kant, the person who sells his labor is not independent of the volition of others because he has to receive orders from others. When dependent on the will of someone else, a person cannot have a civil independence, as he cannot be his own master. For this reason, passive citizens as citizens of the state are the assistants of the republic and are deprived of all political rights. Therefore, passive citizens cannot participate in the making of laws; they are the assistants of the republic, as the nationality of the state.

In *Metaphysics of Morals*, Kant (1991:126) puts passive citizens in the following order: "Servants who are not employed by the state, apprentices of traders and craftsmen, workers, children, women, those who need to be employed by others (other than the state) in order to maintain their lives do not have a civilian personality". Kant thinks that the woodsman who hires a paid person to cut his wood and the carpenter who sells this product to others are different. Also, a worker is different from a farmer and a teacher who visits to provide private tutoring at home is different from a teacher employed by a state school. According to Kant, woodcutter, worker and a private tutor are merely passive citizens (Kant, 1991:126).

In order to better understand Kant's above classification, it is necessary to understand the distinction he makes between selling a man's labor and selling his fruit of labor i.e. his product. According to Kant, selling a man's labor and selling the product of his labor are different things. Since Kant thinks that the citizen should not serve anybody other than the republic, he defines the citizen as when he has to earn a living from others, he succeeds only by selling his own property, not by letting his skills and talent be used" (Kant, 2010:39). At this point, Kant explains the difference between having one's own abilities used and his own property sold as follows:

A person who completes an *Opus* (a product obtained by giving labor) can sell it to someone else as if it were his own property. However, *praestatio operae* (when a person receives a fee for his/her labor) is not the same as selling a commodity. The maid, shopkeeper, worker and even the barber working at home are only *operae* (laborers). They differ from craftsmen or members of the state (in the broadest sense of the word), therefore they are not citizens. When I give an ax to a man to chop my firewood or take my fabric to the tailor to sew me a suit or clothes, although the relationship I had with both is the same, the first is different from the second, likewise, the barber is different from the wig-man (which I may have given him the hair that was actually needed), the worker is different from the artist or the artisan, that is to say, he is different from someone who produces a product of his own until money is paid for it. Because the second ones exchange ownership with someone else (*opus*) in the course of doing their work, whereas the first ones exert their labor depending on the will of another person (*Operam*) - yet I do confess that it is a little difficult to determine the qualities that would justify this demand for someone who demands the status of being his own master (Kant, 2010:39).

As it can be understood, Kant thinks that civil independence, which is the basis of active citizenship, is possible only if the individual is economically and socially independent. For this reason, he argues that people who sell their labor to others for wages are not independent in their economic lives and that they cannot provide the prerequisite condition of citizenship. From Kant's front, they cannot reflect their true volition in making laws, since the sale of labor to others for wages shall make them a sort of servants dependent on the volition of a master. In this respect, Kant argues that, as Mendus (2010:130) points out, those who sell their labor can become spokespersons of those who buy their labor and thus Kant makes such a distinction because he argues that no one could serve two masters on the grounds that economic slavery may turn into political slavery and economic mastery may turn into political pressure.

Briefly, he is the person who sells the product of his labor, not the active citizen's labor who is the master of his own. The person who sells the product of his labor is an independent person who does not serve any master other than the state. The independent person possesses sufficient property to sustain his own life. In contrast, passive citizens who do not own property are not the masters of themselves because they sell only their own labor, depending on the

volition or need of another person. Such a person would not have his own free choice as he would be a servant dependent on the will of the person who bought his labor. Therefore, he is out of the civil independence which is the criterion of effective citizenship (Kant, 1991:126).

As it is seen, for Kant, all nationals of the state have the right to live equally under the protection of the state, but not every nation has political rights such as participating in making of laws and voting because it cannot provide the prerequisite for independence. Passive citizens are obliged to submit to the will of the active citizen participating in making of the law and voting. In other words, all nationals of the republic are obliged to abide by the laws, even if they do not have the right to participate in the implementation of the laws. Laws, which are an act of the public volition, must also protect and safeguard those who cannot participate in making of laws because they cannot be unjust. All nationalities are equal before the law, and the basic rights of those who do not have the right to legislate are respected (Hasan, 2018:919). Therefore, passive citizens also participate in all the benefits provided by law protection (Kant, 2010:38).

On the other hand, although Kant makes an active and passive distinction between citizens, he also states that every member of the republic has a clear path to rise to the status of an active citizenship over time. According to Kant (2010:36), no nationality can be an obstacle to another, claiming to have hereditary privileges - privileges specific to a certain status - that keep him and his descendants at the same social level forever. As a national, Kant argues that all citizens are equal, and from this argument, he states that passive citizens can attain their civil independence by gaining their economic and social independence over time and thus can pass into active citizenship (Kant, 1991:126). As a matter of fact, Kant (2010:39) states that: "the fact that each member of the republic becomes a part of the republic over time and that everyone can obtain the whole should be left only to the talent, effort and good fortune of the people." Kant (1991:126), who points out that is no legal obstacle in front of transiting to active citizenship, thinks that "laws should encourage the transition from passive to active status." In other words, the fair state of Kant is obliged to ensure that passive citizens become active citizens. Because every person has the right to determine his/her own goals independently from others and to pursue these goals and to develop his/her own abilities (Varden, 2006:212-213).

Although Kant says that every human being is free as a member of the ethics community which he names as the Kingdom of Purposes and is equal as a national of the state, this discourse loses its validity when women are in question. In other words, Kant argues that, although as a rational entity he admits every human being as a free and ethical subject, women can never move up to active citizenship status. Kant, who keeps the servants and workers open to an active citizenship over time, completely blocks this path when women are in question. Thus, although Kant states that as a national, all citizens are equal, he excludes women from both nationality and active

citizenship. Ownership of property that he considers as a prerequisite for independence loses all of its function when the matter comes to women. For Kant, even if a woman owns property, she cannot be independent, she does not have the same rights as free and property owning men and hence she cannot participate in political life. Shortly, even if women meet the criteria for ownership, which is a prerequisite for independence, it is still considered insufficient for the independence criterion and thus women never become active citizenship (Mendus, 2010). Kant bases this idea of him on the assumption of women's nature and the antenuptial agreement. Kant (1991, 1996), who argues that women's nature is not suitable for full humanity and moral maturity, presents the fact that, like servants and workers, women are also dependent on the lords - the head of the house, the husband and therefore they are not autonomous.

Women's Nature

In his *Anthropology from a Pragmatic Point of View*, Kant argues that men and women are different from each other on the basis of nature. Here, Kant argues that nature distinguishes women from men for two purposes: the maintenance and preservation of the species and the purification of society by women. In his study, Kant, who first attempted to examine the main characteristics of the womankind, believes that this subject is good and suitable for anthropology since he believes that it is more difficult to analyze women than men. Like the thinkers who preceded him, Kant emphasizes that the qualities conferred on women by nature are essentially a means of manipulating and dominating men. For example, Kant states that the attributes of nature such as ability to convince with effective and beautiful speaking, cunning, humility, gentleness, kindness, beauty, charm, shyness, diffidence, docility, obedience, sensitivity and childishness are given to women, in fact, strengthens the womankind and he claims that with these characteristics women have attracted and conquered men the strong gender (Kant, 1996:219). Kant, who believes that women dominate men with such characteristics, states that thanks to these characteristics women do not lose the interest of their husbands even when the women get older. However, he says that the desire to rule or dominate is not only specific to women, but that men have this desire as well.

Although both sexes have the desire to rule, Kant believes that the method used by men and women to meet this desire is different from each other. Since the physical power is not the same for men and women, women cannot dominate men with physical force. Therefore, while women tend to dominate men through foresight and clairvoyance by using charm, men tend to dominate through power (Wilson, 2013:189). In other words, because women are weaker than men in terms of physical strength, "it does not meet physical strength but rather meets man's tendencies with cunning, humility and eloquence" (Wilson, 2013:188). Starting from the fact that the method of

woman's domination is not based on physical power, Kant argues that his method serves mainly the purpose of purification of society.

Kant's argument stems from his position of civilization directly opposite to the use of physical force. Here, Kant thinks that the characteristics and tendencies of women will lead to the development of purified qualities on the way to civilization (Wilson, 2013: 188). Kant explains this idea by associating it with theory of culture acquisition. According to Kant, although culture and nature are different from each other, they do not contradict each other. More specifically, Kant, who considers culture as a conscious response to natural tendencies, believes that culture does not contradict nature as he thinks that culture arises from natural tendencies for technical and pragmatic skills (Wilson, 2013:198). According to Kant, nature always pursues culture with a number of contradictory means. Women aim for culture but who are identified with the nature both perpetuates the human species and direct men towards morality. It is only possible in Kant's cultural theory to make the necessary transition from nature to the cultural situation possible through women who are identified with nature (Casnabet, 2005). At this point, Kant says that women have matured before men and that the womankind is superior to men in terms of sociality, kindness, politeness, speech and elegance of expression. According to Kant, as these characteristics, which are bestowed on the womankind, such as courtesy, kindness, sociality and decency, belong primarily to the cultural world, they provide insight by expanding emotions and thus refining the path to culture. As a matter of fact, Kant says the following: "It is possible to protect and maintain the species and the social development to go in a good direction with such characteristics bestowed on women by nature" (Kant, 1996:219).

Moreover, according to Kant, nature has made or allowed women to feel fear and anxiety about the embryo they bear as their trust. Nature has infused the character of the woman who carries the fear of the protection of the species with tension against fear, fear of physical injury and similar dangers. Because of such qualities conferred upon her by nature, women seek to conquer men, the strong gender to provide this protection or security. At this point, men, equipped with characteristics and tendencies such as physical force, power and courage by nature, have a natural urge to protect their own kind, and they have a sexual passion for the opposite sex. Thus, nature brings both genera together to realize the reproduction that will ensure the continuity of the species. As a result of this, the male, by forming a family begin to protect the women and their children who are weak and powerless (Kant, 1996:219).

Although men and women are different from each other, Kant says that nature wants them to be together to ensure the continuity of the species. However, Kant (1886:240-241; 2003:190) considers sexual desires that enable men and women to be together for the continuity of the species as something dangerous, making the animal and human being an instrument and humiliating it, making it an object of pleasure and consumption. This idea of Kant stems from the argument in moral philosophy that people should be treated as goals

in themselves and that no person can be treated as a means. Eventually, Kant (2009:47) states that human being is not a thing and therefore cannot be used as a means. However, since the natural sexual passion of women and men is instinctively necessary for the continuation of the species, such type of humiliating relationship must be experienced by men and women. Here, Kant says that this requirement is granted only to the human species under the terms of the monogamous antenuptial agreement (Kant, 1991:2003).

According to Kant, with the antenuptial agreement, men and women have the right to mutually use and enjoy each other's body. Kant says that with the monogamous legal marriage institution that serves the reproductive purpose to ensure the continuity of the species, both parties agree to be treated as a means by their own consent. In other words, with the antenuptial agreement, men and women agree to use their bodies as a property. From the Kant's front, this is the mutual use of bodies and this situation ensures that they do not dehumanize (Kant, 1991:166). However, as Mendus (2010:136) points out, the mutual use of bodies does not mean that men and women are equal in the marital relationship. It only implies that exploitation in sexual intercourse is mutual. Since man is naturally superior to woman, he is his own master and he has legal sovereignty over women. Women who do not have personal status are the property of men.

Hence, for Kant, who considers that a legal antenuptial agreement is necessary for the implementation of the goal of nature, marriage does not rise on the basis of a relationship between equals. In order for the unity of men and women, who are different from each other, to be free from conflict, harmonious and stable, one person must be dependent of the other. Kant (1991:97-98) states that there can be no natural equality between spouses, that the master or the ruling party is the man and that the dependent party is inherently the woman. Basing this idea on the difference of the virtues of women and men, Kant argues that women are superior to men in areas and subjects that are appropriate for their own nature, for example, in domestic life and in self-control and men are superior in subjects such as reason, power and courage (Kant, 1996:216). As it is seen, the antenuptial agreement for Kant is essentially a dependence agreement and its main objective is reproduction. With this agreement, which is deemed necessary to ensure the continuity of the human species, the woman attains support both for herself and for her children to be born.

At this point, Kant argues that even married women always carry the fear of losing this support - such as the death or leaving of the spouse - in them, and therefore want to have a reserve stock of husbands. In other words, Kant (1996:218) argues that a woman wants to impress and conquer all men by using the characteristics bestowed on her. According to him, even if married, a woman tries to look attractive to all men considering the danger of being widowed in the future. Kant (1996:221) argues that a man has tendency only to his wife, yet that a woman has tendency to both her husband and all men other than her husband and Kant considers this tendency as a part of nature's design.

According to Kant, in accordance with the design of nature to ensure the continuation of the kind, a woman wants to secure herself and her children by convincing a man to marry her. Kant also believes that every woman sees all women, except herself, as a threat to this situation and that factor is the primary motive of every woman. Moreover, in this issue Kant says; “although women’s relationship with the opposite sex is quite good, they are always in a conflict and competition with their fellows” (Kant, 1996:219).

From the assumption that women have the abovementioned tendencies, Kant argues that women are dependent on the men, must submit to and obey them and therefore must be governed by the man. Kant thinks that men are superior to women in terms of their intelligence, moral maturity, physical strength and courage and Kant bases this superiority on the design of nature. Furthermore, according to Kant (1991:97-98), since the power of ruling of the house with the antenuptial agreement is vested in the husband, who is deemed the master, the man possesses the self of the woman as if it were his own. The woman, as well, is not autonomous by admitting that she is dependent on a master - master of the house, the husband - through the antenuptial agreement. At this point, Kant states that with the antenuptial agreement, the woman gives up her own political independence by guaranteeing her own position as dependence. Thus, the woman gives up the natural equality in order to provide the common good or the common interest of the family and accepts that man is superior to herself and states that she enters under the yoke at her own volition. Kant, who believes that woman does so by nature, asserts that through marriage, the woman achieves sovereignty in the domestic life by giving up political liberty and equality and thus achieves her real liberty through marriage (Mendus, 2010).

Kant’s saying that, women give up natural equality in order to achieve the common good or common interest of the family appears as a problematic considering Kant’s duty doctrine. This is because there is a conflict between duties in this case. Women fulfil the “duty towards others” that Kant determined as one of their virtue assignments - here we can think of their acting in the name of the common good and the happiness of the family as their fulfilling their duties of virtue towards others, but the “duty towards ourselves” does not fulfil or violate the self-competence assignment at the very beginning.

In the second part of *Groundwork of the Metaphysics of Morals*, Kant divides the assignments into duties toward ourselves and others and complete and incomplete duties (2009:38). However, as he himself states, he sets out the classification of duties mainly in *The Metaphysics of Morals*. Here, Kant distinguishes between two types of duty, right duties and virtue duties. “According to Kant, virtue duties can be duties against others or self, while all right duties define duties towards others” (Yazıcı & Yazıcı, 2010:20). For Kant, the ability of man to be a moral being depends on his own natural and moral competence. Therefore, the person’s self-competence duty, which implies the development of one’s own capacity - but habits are an obstacle to it - is at the top of one’s duty. This duty, which involves the development of one’s own will,

tells the person to raise himself from animal state to humanity. One's own competence is the source of the duty against us. The happiness of others as a purpose is the source of our duty towards others. The happiness of others is at the beginning of our duty towards others (Yazıcı & Yazıcı, 2010:19-22).

Based on such a distinction regarding duties, we can say that the woman violated her duty to herself or sacrificed her duty for the sake of duty to others. More specifically, the woman does not perform one of her basic ethical duties by not developing her own competence. In this case, the woman cannot be a fully free actor or an autonomous individual because she does not set goals and does not overcome her shortcomings and has to live under the guardianship of the man. In this context, Kant (2005:225-226), due to the habit, laziness, cowardice and lack of determination, the code of Enlightenment - *sapere aude!* (show courage to use your own mind!) - Kant states that the majority of humanity - and the entire of women - have not fulfilled their duties and therefore cannot get rid of the immaturity state they are in. Hence, it can be said that Kant considers women themselves responsible for women's being under the guardianship of men. Although women are rational beings like men, they cannot use their own ability to realize their own self-competence and thus remain a mere tendency being under the guardianship of the men.

According to the intention of this study, it is not a proper criticism of Kant to criticize the woman for not having the courage to use her own mind. Because, as Herman (2002:70) emphasizes, it cannot be thought that "without a deep transformation towards the family, social and legal relations, it can provide the individual autonomy of the woman" or in the words of Kant, she can show courage to use her own mind.

Moreover, how sincere Kant is at this point is a controversial issue because it looks as if he seems satisfied with the woman as a trend asset. As Lloyd (2015:109-110) points out, although Kant suggests on *The Beauty and Sublime*, women's ability to understand is different - beautiful - at least as much men do. Stating that the effort exerted by mankind to learn is exhaustive and the labor of thought is painful, Kant suggests that the effort of enlightenment leads to the destruction of virtues suitable for the female kind. The lack of abstract thinking in women is not seen by Kant as a defect here. The vacancy of lack of comprehension of the fundamentals is filled with the mental characteristics of the woman such as liking, sensitivity and practical mind. Here, Kant considers that the characters of men and women are essentially complementary and that complementarity is beneficial for both sexes. Within the marriage relationship, the man becomes more perfect as a man, while the woman becomes perfect as a wife. Couples who get associated with their marital life thus form a single moral personality.

On this subject, Varden (2015:682-683), Kant's kindness, affectionality, impressiveness, sociability and beauty are wisdom specific to women; states that he thinks of the characteristics such as power, strength and competition as male-specific wisdom and that both sides are wise for a healthy society.

According to Varden, although Kant thinks that the ideals of men and women are different, they consider both ideals valuable, important and complementary to each other. However, this study does not consider Kant's idea of complementarity between male and female characters as a tribute to the female sex. Yet, the idea in question makes no sense other than masking the exclusion of women from the public living space associated with men, as Lloyd (2015: 110) also stated.

Conclusion

Kant “assumes that the source of the constitution of civil society is an original contract that gives individuals the right to exercise mutual pressure” (Hassner, 2010: 107). Considering the original contract as an idea of mind, Kant thinks that a civil/legitimate constitution will be established on this original contract. The original contract apriori, which Kant bases on the formation of civil society, is based on three principles of law. The principles of apriori law, which consist of the principles of liberty, equality and independence, are both the basic founding principles of the state and appear as three basic qualities of being a citizen. For Kant, however, citizenship can be defined mainly on the principle of independence.

Kant who bases citizenship on the prerequisite for independence and by stating that only persons with a certain amount of ownership can participate in the making and enactment of laws and have the right to vote, makes this rhetoric of Kant transform his mental state, which admits that every human being is free and equal because he is merely a human being. Persons deprived of the chance to own property in this state are passive citizens who are pushed out of the political participation and are considered as second-class political entities (Kersting, 2010:72-73).

In his theory of citizenship, “Kant’s distinction of two types of citizens, active and passive, contradicts his emphasis on the equality in categorical imperative”, as Çörekçioğlu (2010:13) states. In other words, as Abramson (2014: 331) states, “this limitation of citizenship of Kant is incompatible with his view that each person has equal capacity to determine his own destiny.” Kant, on the other hand, argues that although the path before every member of the republic is open and clear over time to move up to active citizen status, when it involves women, they can never move up to active citizen status. This thought of Kant is “associated with his philosophical anthropological perspective” (Varden, 2015:675). Although Kant positions the woman as a citizen of the Kingdom of Purposes and considers her as a member of the ethical community like a man, it is seen that the situation changed against the woman when the law order was introduced (Casnabet, 2005:329). Even if women meet the criteria for ownership, which is a prerequisite for independence, this is still insufficient for the independence criterion. Kant, who bases this inadequacy on the assumption of women's nature and the antenuptial agreement, argues that women's nature is unsuitable for reaching

full humanity and moral maturity. Moreover, Kant states that, with the antenuptial agreement, women accept that the power is vested in the husbands who are deemed to be the heads or masters of the house and that women are not autonomous by emphasizing that they are dependent on the head of the house.

Assuming that the mental abilities are not the same in men and women and that women are inadequate to reach abstract thinking and moral maturity, Kant's theory of citizenship has been rightly criticized by most feminists, rightly identifying women only with body, reproduction, feeding and breeding and exclusion from active citizenship (Nye, 2004). Kant, who systematically excludes women from both social and public enlightenment and discussion areas, actually only calls on the independent and adult men to escape from the state of "show courage of using your own mind"-sapere aude!- (Kant, 2005:225), which is the code of Enlightenment. More importantly, the Kant, who defined the women with only a biological function and blocked their path to move up to the active citizenship status, and the Kant, who argued that every human being as a mental entity is innately independent, free and equal, constitutively contradicts himself.

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