THE FAILURE OF KANTIAN MATRIMONY
AS GROUNDS FOR RETHINKING SEXUAL IMPULSE

by

Anna Emily Majetic

A thesis submitted to the Department of Philosophy
In conformity with the requirements for
the degree of Master of Arts

Queen’s University
Kingston, Ontario, Canada
(October, 2015)

Copyright ©Anna Emily Majetic, 2015
Abstract

This project attempts to answer the question whether Kantian matrimony succeeds conceptually as a context for moral sex, from the perspective of a feminist who values Kant’s emphasis on respect for persons. Kant is right in thinking that sex often does pose a threat to human dignity, and that it also has the potential to undermine all sorts of relationships, including friendships. As such, Kant may have correctly identified a dimension of insecurity within friendship which matrimony is conceptually protected against. At the same time, Kant’s proposed solution (i.e. matrimony) may not be a sufficient solution either, and we have strong grounds to rethink Kant’s problematic assumptions about the nature of sexuality itself, specifically those about gender and sexual desire and desirability.
Acknowledgements

To Jill, for opening my mind, and heart, to greater possibilities, and;

Jackie, who supervised this project, and who also, incidentally, taught my very first philosophy course nearly six years ago. You inspire me more than you will ever know.
# Table of Contents

Abstract ........................................................................................................................................ ii
Acknowledgements ......................................................................................................................... iii
Chapter 1 Introduction ...................................................................................................................... 1
Chapter 2 Kant’s Schema Of Sexual Immorality And “Unnatural” Sex ............................................. 4
Chapter 3 Moral Friendship Versus Kantian Matrimony ................................................................. 26
Chapter 4 When Sex Goes Deontologically Wrong: Cheaters and Over-Eaters ............................. 45
Chapter 5 Conclusion ..................................................................................................................... 61
Bibliography .................................................................................................................................. 63
Chapter 1

Introduction

This project attempts to answer the question whether Kantian matrimony succeeds conceptually as a context for moral sex, from the perspective of a feminist who values Kant’s emphasis on respect for persons. There are aspects of Kant’s expressed views on sex that I defend and others that I find intolerable. My question considers whether the intolerable parts can be argued away while retaining the parts with which I agree.

The first chapter targets Kant’s condemnation of certain sexual practices, found in Lectures On Ethics, which includes masturbation, homosexuality, and bestiality. Kant focuses a great deal of attention on what is wrong with what he identifies as the wrong sort of sex. I outline his schema of sexual immorality in this chapter. This starting point provides useful insight into Kant’s conception of the purpose of sex that is both natural and moral, and the immoral dimensions of animal appetites as motivations for human action. While Kant’s condemnation of homosexuality is intolerable, an appeal to the value of sex as a source of pleasure does not give us the tools to adapt Kantian matrimony to include same-sex relations. It cannot be convincing since it fails to take seriously Kant’s reasons for arguing that sensual or emotional motivation is morally inadequate in general.

The second chapter addresses whether it is possible to adapt Kant to allow moral sex between friends. I argue it may be unrealistic or risky for unmarried friends to exclude the possibility that they are not merely being used sexually by their partner. Understood as an appetite, sexual impulse conflicts with at least one core tenet of friendship: the well-wishing love for others. While this inherent tension between Kant’s conception of sexual desire and his
conception of friendship calls for rethinking his account of “sexual impulse,” Kant may have correctly identified a dimension of insecurity within friendship which matrimony is conceptually protected against. I agree with Kant, that at least on his conception of friendship it is not a morally safe context for sexual relations. I am not convinced, however, that matrimony provides the safe moral context he believes it should.

The final chapter turns to matrimony, which Kant thinks is the only context in which moral sex is possible. Taking both respect for human beings seriously along with what Kant says about sex we discover just how tied matrimony, as a solution to the problem Kant identifies in human sexuality, is to his assumptions about the essence of sexual impulse and its natural and therefore moral purpose. Careful consideration of these assumptions reveals their relationship to his problematic assumptions about gender and sexual desire and desirability. Even if we grant Kant’s normative assumptions about gender and sexual orientation, Kant could still imagine sex going deontologically morally wrong within a marriage between two heterosexual individuals. This line of reasoning implies that in actual cases the marriage license may be insufficient to guarantee moral sexual relations. Like Kant’s conception of moral friendship, for Kant, moral sex may be more of an ideal than something that human beings actually achieve.

Kant is right that sex often does pose a threat to human dignity, and has the potential to undermine all sorts of relationships, including friendships. However, matrimony may not be a sufficient solution either, and we have strong grounds to rethink Kant’s assumptions about the nature of sexuality itself. Is it always and only an appetite? Are there reasons to engage sexually with another person (or oneself) that do not amount to satisfying an appetite and cannibalistically consuming a human being? Are there moral reasons, besides reproduction, for human beings to include sexuality in their lives rather than repressing sexuality? Kant is right to ask us to take the
moral dimensions and potential harms of sexuality seriously. The inadequacies of his solutions suggest that this philosophical task may need to be addressed from different perspectives.
Chapter 2

Kant’s Schema Of Sexual Immorality And “Unnatural” Sex

Kant is infamous for his condemnation of homosexuality. He states repeatedly that the natural purpose of sex is reproduction, which leads Kant to restrict matrimony to heterosexual relations. Pointing to the fact that it is part of normal human behavior to seek sex for pleasure and so, in that sense, sex has a natural purpose other than reproduction, does not gives us the tools to adapt Kantian matrimony to include same-sex relations. An appeal to pleasure is misleading insofar as it ignores a crucial distinction between the phenomenology of sex for an individual and the purpose of sex for a species, and takes for granted that pleasure is good in and of itself. I argue freeing Kantian matrimony of its restriction to heterosexuality, while at the same time recognizing that sex often does pose a threat to human dignity, depends on whether there are reasons for having sex, beyond preserving the species, that are also consistent with one’s duties towards oneself and others, and which do not violate the categorical imperative.

The structure of this chapter is as follows. It begins by outlining why human sexuality is potentially morally problematic, on Kant’s account. It then turns to Kant’s condemnation of various sexual practices found in Lectures on Ethics, which includes masturbation, homosexuality, and bestiality. The third section deals with a particular line of argument (i.e. the argument from pleasure), and why proponents of this view fail in adapting Kant to include same-sex relations.

In “Of Duties To The Body In Regard To The Sexual Impulse,” Kant argues:

Since the sexual impulse is not an inclination that one human has for another, qua human, but an inclination for their sex, it is therefore a principium of the debasement of humanity, a source for the preference of one sex over the other, and the dishonoring of that sex by satisfying the inclination. The desire of a man for a woman is not directed to her as a human
being; on the contrary, the woman’s humanity is of no concern to him, the only object of his
desire is her sex. \(^1\)

Kant regards sexual impulses in humans, as often not inclinations that one human has for
another *qua* human, but as an inclination for his or her sex. \(^2\) He argues sexual impulse is *always*
directed at the other’s sex. The problem, for Kant, is not merely that the desire is directed at a
sexual part, but that the desire is directed to a part rather than to the whole, as a whole. This point
is critical, and gives Kant reason to think that sex is morally dangerous.

Kant’s Categorical Imperative (CI) is central to his condemnation of sexual objectification.
His account of sexual objectification is linked to his view that sexual impulses are morally
problematic or at least seriously morally risky. My representation of Kant’s moral theory here is,
admittedly, simplistic, though sufficient for the current purposes. The CI is generally thought to
introduce Kant’s “respect for persons.” According to Kant, the CI is the fundamental principle
governing your moral duties; the CI generates duties that are always good to do independently of
particular contingencies. The Humanity Formulation of CI precludes using others as a *mere*
means; hence, you should aim to treat humanity as end in and of itself. Precisely, using someone
as a mere means denies the other his or her humanity. If this happens, you violate the principle of
humanity. It is intuitively obvious to most citizens of contemporary liberal democracies why it is
wrong to merely use another person, to treat her or him as a mere means to achieve your ends
and to ignore what the other person might want. It is less obvious that this does not reduce
simply to respecting each other’s choices. Kant does not require that we respect every choice an

\(^1\) Immanuel Kant, “Of Duties To The Body In Regard To The Sexual Impulse,” in *Lectures

\(^2\) LE: 27:385.
individual might make. While Kant’s moral philosophy prizes autonomy and centers agency, there are limits to what Kant’s conception of moral autonomy supports. You cannot, for example, choose or consent to selling yourself to slavery.

In virtue of the CI, sexual impulse, and its corollary, sexual objectification, is morally problematic for various reasons. According to Kant, “as soon as anyone becomes an object of another’s appetite, all motives of moral relationship fall away; as object of the other’s appetite, that person is in fact a thing, whereby the other’s appetite is sated, and can be misused as such a thing by anybody.” Treating a person as an object is paradigmatically immoral for Kant; sexual objectification is a particular and perhaps paradigmatic case of such immorality. Sexual objectification is morally problematic because the objectified person’s humanity, his or her capacity to formulate and respect moral laws, is of no concern to the objectifier. The sexual objectifier and the objectified person are both reduced to things, mere objects or means of satisfying sexual desire. It follows that sexual impulse is inherently a potential source of immorality. In effect, efforts to satisfy your sexual desires use others and yourself as mere means, which is immoral.

As such, human sex is prima facie wrong because of how one inevitably treats persons in the process. Since any sexual impulse that is directed at another person always targets the other’s sex (i.e. some aspect of the other that triggers sexual desire and becomes the object of desire), acting in order to satisfy one’s sexual impulses treats persons merely as a means to achieving

---

3 LE: 27:385.

sexual satisfaction. That is, it treats persons as sexual objects, which “can be [merely] misused as such a thing by anybody.”  

One unintended appeal in Kant’s account, for someone who is not just worried about the sexual objectification of women, is its inclusivity of people of all genders and sexual orientations. Every orientation of sexual impulse targets someone’s sex. Men, women, and transgendered persons are subject to sexual objectification by those who sexually desire them, or even by themselves to the extent that they try to present themselves as sexually desirable. This is true regardless of a person’s particular sexual orientation, since homosexuals and heterosexuals to the extent that their desire is focused on a part of another person, i.e. their sex, or sexuality, all run the risk of degrading others by regarding them and treating them as a mere means.

It is within heterosexual, monogamous, life-long, legally binding matrimony that Kant locates the answer to the moral question sex poses for human beings possessed of rationality. Since matrimony is not my present focus, I shall leave the question of whether Kant’s solution is indeed successful for a later chapter. At the outset, Kant’s solution precludes many forms of sexuality, homosexuality being an obvious one. To consider whether it is possible to rehabilitate Kant in this respect, I shall now shift focus to why Kant bars same-sex relations from matrimony in the first place.

In Lectures On Ethics, Kant identifies three sexually “unnatural” practices: masturbation, homosexuality, and bestiality. Here are his views on masturbation:

Crimina carnis contra naturam involve a use of the sexual impulse that is contrary to natural instinct and to animal nature; [masturbation] is a case in point. It is misuse of the sexual faculty without any object, occurring, that is, without any object the use of our

---

5 LE: 27:385.

sexual faculty by no means lapses, but is exercised. This obviously runs counter to the ends of humanity, and conflicts, even, with animal nature; man thereby forfeits his person, and degrades himself lower than a beast.\textsuperscript{7}

There are two potential senses in which masturbation involves the unnatural use of one’s sexual impulse, on Kant’s account. The first concerns imagination, or fantasy, and the second concerns what Kant takes as a natural end of sex (i.e. reproduction).

With respect to the first sense in which masturbation involves the unnatural use of one’s sexual impulse, I think that it is useful to emphasize the role of imagination in Kant’s account of human sexuality. Allen W. Wood’s remarks on Kant’s observations on the \textit{Genesis} story, are rather insightful. Wood quotes from the bible:

> When the woman saw that the fruit of the tree was good for food and pleasing to the eye, and also desirable for gaining wisdom, she took some and ate it. She also gave some to her husband, who was with her, and he ate it. Then the eyes of both of them were opened, and they realized they were naked; so they sewed fig leaves together and made coverings for themselves. \textit{Genesis}, 2:4-3:24.

Believers, and non-believers, are widely familiar with this story. God says, “Of every tree of the garden you may freely eat; but of the tree of the knowledge of good and evil you shall not.”\textsuperscript{8} The serpent tempts Eve to eat the forbidden fruit. She eats it, offering some up to her husband, who also takes a bite. When they disobey God, Adam and Eve realize they are naked. Left ashamed and repelled, they cover themselves up in sewed fig leaves. Having temporarily sated their appetites, Adam and Eve are cast away from the Garden of Eden.

According to Wood, while there is a sense in which God tests Adam and Eve’s capacity to resist temptation, or certain appetites, Kant interprets Adam and Eve’s decision not, “as an act of

\textsuperscript{7} Ibid.

\textsuperscript{8} Gen. 2:17.
sinful disobedience”; rather, “as an act of liberation, [separating] themselves from the rest of nature as free and rational beings.”\(^9\) The “divine voice”, on Wood’s interpretation of God’s command before the fall, is the voice of animal instinct, and reason devises a new way of satisfying one’s appetites. Hence, reason assists in replacing a “safe slavery of instinctual impulses”, with a “life based on freely setting [one’s] own ends and the invention of means to them.”\(^10\) Based on Wood’s interpretation of Kant, Adam and Eve are not exiled, they are liberated; albeit, into “a dangerous mode of life”, governed by reason, though freed from the chains of mere instincitual impulses.\(^11\)

According to Wood, the second more momentous change occurs with the transformation of a natural impulse associated with all animals, to human sexuality. In his remarks on the Genesis story, Kant argues:

> The human being soon found that the stimulus to sex, which with animals rests merely on a transient, for the most part periodic impulse, was capable for him of being prolonged and even increased through the power of the *imagination*, whose concern, to be sure, is more with moderation, yet at the same time works more endurably and uniformly the more its object is withdrawn from the senses, and he found that it prevents the boredom that comes along with the satisfaction of a merely animal desire. The figleaf was thus the product of a far greater manifestation of reason than that which it had demonstrated in the first stage of its development (*emphasis mine*).\(^12\)

Based on Wood’s interpretation, the nature of sexual desire is different for rational and non-rational beings. Unlike animal desire, which for the most part occurs as merely a transient periodic impulse, the passage implies that human sexual desire increases through the power of *imagination*.


\(^10\) Ibid.

\(^11\) Ibid.

\(^12\) Ibid., 231.
For Wood, the imagination alters the meaning of human sexuality, making it “far more to do with people’s most intimate relationships to one another [such that] the essence of sexual desire is that it is desire directed at another human being, regarded as a rational or self-conscious agent.”\textsuperscript{13} I agree with Wood, insofar as the imagination, understood to include the rational being’s capacity to think about sex, can serve as a vehicle for moral sex. Adding to Wood’s point, the capacity to think about sex can also serve as a vehicle for what Kant calls unnatural sexuality, as in the case of masturbation. In this case, the imagination could “step in” and make something “unnatural” into something sexy. In other words, the capacity to think about sex allows humans to create sexual fantasies, or imagine “sexy” situations. This capacity is characteristic of human sexuality.

The capacity for fantasy seems to play a dominant role in masturbation, in its ability to sexually excite the person with the fantasy. Masturbation is a\textit{party of one}, in terms of using one’s body to satisfy one’s sexual impulses, and it could also, based on my interpretation of Kant, involve sexual fantasy. A sexual fantasy may be provoked by actual images (e.g. pornographic pictures) or mental images (e.g. memories). Either way the intentional content of the images are out of physical reach. The content of one’s sexual fantasies may consist of representations of actual people or things one encounters in one’s daily life: a co-worker, a friend, or even the cashier at one’s local grocery check out. The content could also be entirely “make-believe,” something constructed in the imagination. In some form or other, aided by words or pictures or not, masturbatory desire is directed at something imagined.

\textsuperscript{13} Ibid.
The masturbator imagines using others or things sexually, but does not, strictly speaking, actually use these other people and objects in the physical process. Rather, the masturbator imagines a situation, persons, places or objects, and derives sexual pleasure from the fantasy. She does not, strictly speaking, derive sexual pleasure from the real person or places, who happen to inspire her sexual fantasy. Hence, while masturbation potentially involves thinking about others in a way that reduces persons to sexual objects, the desire is not object driven. It is fantasy driven.

For Kant, fantasy is a non-real object. At least it is not an object that could be a real object of natural sexual desire. Kant seems to think masturbation is perverse because sexual impulse is directed at a fantasy. If this interpretation is correct, one could draw an interesting comparison between the masturbator and the anorexic. Indeed, sexual impulses are often compared to hunger, whereby “the other satisfies his appetite, just as his hunger is satisfied on a roast of pork.” Natural hunger is directed at eating actual food. Anorexics abstain from indulgence, at least in part due to fear over what consuming actual food might do to their bodies. Yet, anorexics tend to be preoccupied with food, spending a great deal of time enjoying the imagined or represented food. The anorexic and masturbator derive pleasure and enjoyment from thinking about food and sex, respectively. Both have a desire for an unnatural fulfillment of their appetite (i.e. fantasy or imagined food).

---

14 Alan Soble, “Kant and sexual perversion,” *The Monist* 86, no. 1 (2003): 61. As Soble aptly points out, Kant’s objection to masturbation differs from Rousseau, who objects to masturbation on the basis of using another as a fantasy object without asking for their consent. This is not Kant’s worry.

15 LE: 27:386.
As such, Kant seems to think that desires are naturally object driven. One could deny this claim, and argue that Kant is therefore wrong in thinking that masturbation is “unnatural,” understood in the first sense of the term. I shall leave this point aside momentarily. With respect to the second sense in which Kant thinks masturbation is “unnatural,” masturbation involves *one too few physical persons* of any sex. We need two fertile people of opposite sexes to procreate, a practice which Kant thinks we have good reason to pursue. That is, the preservation of the species is something that Kant says all human beings can rationally endorse, whether or not an individual takes action aimed at procreation. Solo sex, female, male, or gender queer, does not conform to the natural ends of sex understood as such, and is therefore unnatural sex.

Masturbation, as a manifestation of sexual desire, is incapable of perpetuating the species, which leads Kant to think that it is inconsistent with the natural purpose of sex. Kant raises the same point against homosexuality and adds another criticism on top of it.

An infamously unappealing feature in Kant’s account is his preclusion of homosexuality from the category of potentially moral human sexual relations. For Kant, homosexual sex can never be moral, while some heterosexual sex can be moral, i.e. sex within heterosexual marriage. Here is what Kant says on homosexuality:

> A second *crimen carnis contra naturam* is intercourse between *sexus homogenii*, in which the object of sexual impulse is a human being but there is homogeneity instead of heterogeneity of sex…This practice too is contrary to the ends of humanity; for the end of humanity in respect of sexuality is to preserve the species without debasing the person; but in this instance the species is not being preserved (as it can be by *crimen carnis secundum naturam*), but the person is set aside, the self is degraded below the level of animals, and the humanity dishonored.\(^{16}\)

\(^{16}\) LE: 27: 391-392.
One could have fantasies that are homosexual in nature. Based on my interpretation of Kant, homosexual fantasies that potentially lead to masturbation are distinct from homosexual desires that lead to same-sex activity. Homosexual desires target actual persons who are members of the same sex. Unlike the masturbator, the homosexual’s desire is natural insofar as it targets persons, as opposed to fantasy. Arguably, for Kant, homosexual desire should be an improvement on masturbation; it is not incoherent, just misdirected. It should also, for Kant, be an improvement over bestiality. To be consistent Kant should acknowledge that, homosexual desire gets the species right.

On the one hand, it may be possible that Kant thinks that all unnatural desires (homosexuality, solo sex, bestiality) are mediated by imagination, like masturbation. If this is the case, then all desires are in a sense unnatural because they are artificially generated, “man-made,” rather than spontaneously generated by animal nature. Yet, following Wood, it is a Kantian insight that the human capacity for imagination is what enables specifically human sexual desires. This complicates the sense in which Kant could have deemed homosexuality to be unnatural. Does Kant’s think that homosexuals are people who are automatically turned on, at an animal level, by persons of the “wrong” sex, having some sort of impairment at an animal level? Or does Kant think that there is a fault in the imagination or will of the person whose desire is intentionally with the aid of imagination “redirected” in towards a part of a person of the same sex rather than towards a part of a person of the opposite sex which he thinks is the natural cause of sexual desire? The sense in which Kant takes homosexual acts to be unnatural is ambiguous.

On the other hand, when Kant speaks of what is natural or unnatural about diverse sexual desires he may be referring to nature’s rather than individuals’ purposes. One of these purposes,
i.e. functions it can fulfill, is reproduction. Reproduction requires same species, different sex, actual person-orientated desire. In this respect, homosexuality like masturbation is unnatural. In another obvious sense it is perfectly natural insofar as it is something that occurs in nature, across all sorts of differences within the species and in many other animal species as well. For reasons that are not as clear as his critical readers would like, Kant does not mention a purpose for sex that can be natural besides reproduction. Thus, were he aware of its occurrence, self-stimulation or homosexual activity among non-human animals would be unnatural according to Kant. Moral consistency would not require him to condemn such behavior in non-human animals precisely because they are not human and therefore (according to Kant) incapable of deliberating about why they are acting or not acting on their impulses in this or that way.

In any event, conceding Kant’s limited conception of natural sexual desire, whether the desire is from the agent’s perspective object-directed or not, the critical point is that for Kant it is a morally necessary conditions that for humans the kind of enjoyment to be had is consistent with what Kant stipulates as “nature’s purposes” for sexual desire. Those seeking to adapt Kant to include same-sex relations rightly object to the ambiguity and narrowness of Kant’s conception of natural sexual desire. I shall now turn to the question of whether an appeal to pleasure can give us the tools to adapt Kantian matrimony to include same-sex relations.

Kant conceives of sexual impulse as a natural condition, inherent in male and female humans, and other kinds of animals, and ascribes the biological function of sex with at least one rationally endorsable purpose: procreation. Human heterosexual sex is a means of reproducing the “kinds of beings with absolute value.”17 It provides fertile people the opportunity to do so.

17 Altman, “Kant on Sex and Marriage,” 313.
Thus, some sexual acts have the potential to generate moral value. Even though we have at least one good reason to engage in heterosexual sex, the creation of value in this way is not always required. It is not required of all human beings, or required of them to try to create as much such value as possible. Efforts to reproduce might sometimes contingently interfere with the fulfillment of perfect duties or compete with certain imperfect ones.

Kant differentiates between perfect and imperfect duties, which he derives from the first formulation of the Categorical Imperative: “act only in accordance with that maxim through which you can at the same time will that it become a universal law.”\(^{18}\) In terms of moral deliberation, the categorical imperative gives us the tools to discern whether doing action X for Y reason is morally permissible.\(^{19}\) From it, Kant derives four categories of duties: (i) perfect duties towards oneself, (ii) perfect duties towards others, (iii) imperfect duties to oneself and (iv) imperfect duties to others. I shall begin with perfect duties towards others.

Suppose you make a promise and are tempted to break it. The principle that you are considering acting on is: “I may always break a promise when it is in my interest to do so.”\(^{20}\) Could this principle be universally acknowledged and acted upon? Kant thinks not. If everyone subscribes to this principle, the practice of promise keeping would collapse; “to will that [you] should be able to act on this [principle], is to will that the practice of promise-keeping should


continue so that you should take advantage of it.”

Humans have a perfect duty to others to refrain from breaking promises, and not making those one does not intend to keep. For the sake of argument, I assume Kant is correct in thinking that promise-keeping constitutes perfect duties towards others.

The case of a drowning person is a useful Kantian example illustrating what imperfect duties towards others may consist of. Suppose someone is drowning, and you are the only person around to save him or her. You do not want to jump in the water because you will get wet, which will make you very uncomfortable. The universal principle is: “Everyone will allow others to drown when they are the only ones who could perform the rescue for the motive of remaining comfortable.” Allowing the person to drown because it would otherwise make one feel uncomfortable is a poor reason, and conflicts with “wanting to be rescued if one is in need.”

According to Kant, one cannot will that everyone follow such a law. While philosophers differ on the scope of one’s duty to rescue, notice that the example does not imply that we should always rescue or help everyone in need. One should not, for example, assist the starving person, if it entails stealing from others. The duty to assist people, unlike keeping one’s promises, is contingent.

According to Kant, contributing to the happiness of others, is an example of an imperfect duty towards others. Happiness plays a predominant role in Kant’s ethics, and he describes it as,

21 Ibid.

22 It is important to note that scholars disagree on this point.

23 See note 19 above.

24 Ibid.
“continuous well-being, enjoyment of life, complete satisfaction of one’s condition.”  

Making others happy, or improving their well-being is morally good; however, we do not assume personal responsibility over whether other people behave morally, or whether their decisions are detrimental to their well-being. Contributing to the happiness of others also potentially conflicts with duties towards oneself. For example, if doing so puts one’s life in jeopardy, one is not obliged to save the drowning person. While choosing not to save them because it will otherwise make one feel uncomfortable is a poor reason, acknowledging that we should always save others even when doing so puts one’s life in harm’s way, cannot be universalized.

Turning back to sexuality, even though preserving the species is a moral good, humans do not have a perfect duty to procreate. Given the solution Kant presents to the problem he identifies with sexuality (i.e. sexual objectification), we have a perfect duty not to procreate outside of matrimony. The same can be said of any sexual activity outside of matrimony. Procreating or having sex outside of wedlock uses others as mere means. In effect, these practices, based on the Humanity Formulation of the Categorical Imperative, do not treat persons as ends in and of themselves.

On the other hand, we do not have a perfect duty to procreate, even within marriage. The universal principle in that case would be: “all spouses are obliged to have children.”  

In order to demonstrate why this principle is problematic if taken as the essence of marriage, it is worth returning to why Kant thinks marriage resolves the problem of sexual objectification in the first place.


26 See note 20 above.
On Kant’s view, sexual activity is permissible only if the union is heterosexual, monogamous, and legally bound by marriage. This sort of union is supposed, according to Kant, to bypass the problem of treating a person as a mere means. A person is treated as a mere means when the interaction with that person is directed only at a part of the person, e.g. their sex and when the person so treated does not consent. According to Kant even if a person does consent to the use of his or her parts, whether for pleasure or money or any reason other than fulfillment of marital vows, he or she ought not to consent. What is special about the marriage vow is the way in which Kant thinks it overcomes the focus of sexual desire on a part of a person rather than on the person as a whole. Crucially, since sexual impulse is always directed at the other’s sex, according to Kant, moral sex is premised on the right to dispose over a whole person, and this right would include the right to use the other’s parts. How is this accomplished? According to Kant, we can give another person a right to dispose over our whole person if, and only if, we also receive the same right to dispose over that whole person. This is how, according to Kant, marriage escapes being slavery and is elevated into the realm of moral sexual relationships.

According to Kant, “if the other has complete rights over it [one’s person], and if the other does not similarly yield himself in return and does not extend in return the same rights and privileges, the arrangement is one-sided.”27 Marriage “signifies a contract between two persons, in which they mutually accord equal rights to one another, and submit to the condition that each transfers his whole person entirely to the other.”28 The marital contract gives license to use one’s partner as a whole: one submits one’s whole person, but receives the other in exchange. The legal


28 Ibid.
contract thereby confers complete rights over one’s partner, and establishes the “Unity of the Will,”\textsuperscript{29} the coming of two, into one. These rights remain limited by moral law. For example, the right to kill or lie to one’s spouse is precluded. The unity also constitutes a life-long commitment, barring certain exceptions (i.e. death of one’s spouse); otherwise, serial marriage of divorced people would reduce to polygamy, which Kant rejects.

While the marital contract gives spouses the opportunity to procreate in a morally permissible way, it does not impose a positive duty to procreate. In \textit{Metaphysics of Morals}, Kant maintains:

The end of begetting and bringing up children may be an end of nature, for it is implanted the inclination of the sexes for each other; but it is not a \textit{requisite} for human beings who marry to make this their end in order for their union to be compatible with rights, for otherwise marriage would be dissolved when procreation ceases.\textsuperscript{30}

One of the purposes of the marital contract, though perhaps not the only one, is to allow heterosexual, fertile couples to procreate in a morally permissible way. As the passage suggests, bringing up children may be an end in nature, but it is not a requisite for human beings who marry to make it their end. Some, like Altman, think that this passage presents a fatal blow against Kant’s condemnation of non-marital sex. Since reproduction is not a requisite for spouses, why should it be for non-married couples? In response, I shall explain why I do not think this passage does the work Altman and other detractors think it does.

When natural ends conflict with morality, Kant’s view is that you should do what is right, not what is merely natural.\textsuperscript{31} At best, spouses may have an imperfect duty to procreate. There

\textsuperscript{29} Ibid.

\textsuperscript{30} MM: 6:277-278.

\textsuperscript{31} See note 10 above.
may be other good reasons for spouses to engage in sex; reasons which coincide with our imperfect duties to contribute to the happiness of others (i.e. one’s spouse). Crucially, Kant does think that spouses are obliged to have sex, at least once. Failure to have sex would frustrate the terms of the contract. Marriage is a sexual contract. It would be fraudulent (even if both spouses decided they did not want to have sex after all or if they both entered the marriage with no desire for sex).  

If we do not have to procreate, why does Kant reject homosexuality so vehemently? Kant’s position implies that we have a perfect duty not to engage in same-sex sexual activity. On his account, homosexuality violates perfect duties that arise from our animal nature; Wood points out three. These include; (i) the duty to preserve our lives (and forbidding killing oneself), (ii) the duty forbidding “defiling oneself by lust” and (iii) the duty forbidding “self-stupefaction through food and drink.” With respect to (ii), Kant is explicit that the natural purpose of sex is reproduction. Homosexual acts do not conform to the natural purpose of sexual desire, and result in “self-defilement” (i.e. using oneself and another merely for the sake of pleasure).

A question arises as to whether Kant thinks marriage between people who know that one, or both, is infertile is unnatural in a way analogous to homosexuality and masturbation. While marital sex need not be aimed at reproductive sex (provided that it can be done without violating any perfect duties, or if they chose it as one among the many imperfect duties they


33 Allen Wood, “Duties to Oneself, Duties of Respect to Others”, 299. 


could fulfill), Kant seems to think that homosexual sex is so obviously inconsistent with reproduction, that it would be a willful perversion of Nature’s purpose. 36 Perhaps the infertile heterosexual couple, on Kant’s account, overcomes this hurdle because it is close enough to the “natural”. Perhaps, as with those married couples that do not try to have children, Kant’s position is that the infertile heterosexual couple is simply blamelessly just not doing something which would be good to do if they could.

In an effort to adapt Kant’s account of moral sex to include same-sex relations, some philosophers, like Altman, point to the fact that sex provides humans with pleasure. Alan Soble makes the rather ambitious claim that “one of nature’s ends in sex,” according to Kant, “is to provide pleasure.”37 Their argument goes something like this: pleasure is a natural part of sex and humans seek sex for the sake of pleasure. Although sex between two females or sex between two males is incapable of perpetuating the species, homosexuality is not, contra Kant, inconsistent with our animal nature, understood as such. Thus, Kant is wrong to deny homosexuals the marriage right simply on the grounds that same-sex sex is incapable of perpetuating the species.

Although I agree with Altman’s and Soble’s conclusion, I do not think it follows from their arguments. First, focusing on the fact that sex gives humans pleasure could be misleading, as one could potentially ignore the crucial distinction between the object of one’s appetites, versus one’s purpose for indulging impulses directed at those objects. As discussed previously, the object of sexual desire, on Kant’s account, is not pleasure. Even in the case of masturbation, the sexual

36 Jackie Davies, editorial note to author, August 31st, 2015.

impulse is directed at an object, albeit an unreal fantasy object. These points speak to the phenomenology of desire.

Further, sexual impulses do not target pleasure, any more than hunger targets satiation. The hungry person wants food, rather than to be satisfied (i.e. not to want food anymore). The hungry person who eats his fill will be satisfied, but that was not the object of his hunger, the food was. Similarly the sexually desirous person will enjoy and be pleased by “having” the object of his/her desire, but pleasure and enjoyment are not the object of the desire itself. Rather, the object is the person or part of the person or idea or thing that stimulated the sexual desire.

Arguments from pleasure also take for granted that pleasure is good in and of itself. On Kant’s account, pleasure is not a reason that can be universalized. Otherwise, one could do anything just because it is pleasurable. Doing things for the sake of pleasure potentially conflicts with the duties one has towards oneself and others. Kleptomaniacs, for example, take pleasure in stealing. Yet, stealing conflicts with perfect duties one has towards respecting property rights. The same can be said of natural inclinations, such as hunger. One might derive a great deal of pleasure from eating; but overindulgence may be detrimental to one’s duties to oneself, such as developing one’s talents.\(^{38}\)

Contra Altman, I do not think an appeal to pleasure alone gives us the tools to adapt Kantian matrimony to include same-sex relations. What we are in search of are other moral reasons for having sex, beyond preserving the species, which are consistent with duties towards oneself and others, and which do not also violate the categorical imperative.

\(^{38}\) See note 34 above.
Unlike non-rational creatures, reason complicates human sexuality, such that human sex takes a rational social dimension. Paul Formosa echoes this thought, and Wood’s in his insightful work, “Kant on the Highest Moral-Physical Good: The Social Aspect of Kant’s Moral Philosophy.” According to Formosa, social intercourse is the key link between virtue and happiness. Thus, there are two general ways Kant defines “humanity”. First, Kant uses humanity narrowly to define our core capacities as rational agents, who have moral feelings and thereby act for the sake of moral law. Humanity might also take a richer, anthropological meaning. Beyond the core rational capacities, humans are complex social beings who desire equal recognition from others, care about their own happiness, sympathize with others and find morality always a potential struggle since their empirical desires, feelings and emotions (their sensuous natures) do not necessarily coincide with the demands of their reason (their rational natures).

Too often, Formosa argues, Kant is read “as a proponent of a simplistic moral psychology based exclusively around a private battle between ‘inclinations’ and ‘reason’ in which the latter ought simply to subdue or even completely eliminate the former.” The Kantian dinner, on Formosa’s account, is not just about eating for survival. The meal is transformed into a context of enlightened conversation, cosmopolitan hospitality, and love and respect.

---


40 Ibid, 4.

41 Ibid, 6.

42 Ibid, 6.

43 Ibid, 1.

44 Ibid, 1.
interpretation is correct, the view that we should satisfy our appetite for food, because not doing so potentially threatens our physical well being, over simplifies things. When shared in a social context, eating food promotes other ends, such as our desire for equal recognition from others. Perhaps the same can be said of human sexuality; a point that I shall return to in a later chapter.

For now, I will leave with Wood:

…some forms of sexual activity can indeed involve the degradation of one person by another, and also to self-degradation. Kant had to be aware of this, since so many of his pronouncements about sex are admirably (if also often misguidedly) sensitive to just these terrible possibilities. Issues about the ways that sexual activity might involve a violation of duties to ourselves as well as others are obviously more subtle than Kant ever acknowledged, but he was not mistaken in viewing these issues as turning on duties of self-respect based on the purposiveness (albeit individual and social as well as natural) of sexual desire and sexual self-expression.45

Contra Altman, an appeal to pleasure alone does not give us the tools to adapt Kantian matrimony to include same-sex relations. What we are in search for are other good reasons for having sex, beyond preserving the species, which are consistent with duties towards oneself and others. Perhaps, as the next chapter suggests, the answer lies in Kantian friendship. While Kant thinks the ideal of friendship is only possible between two men, my discussion of friendship should be understood to apply to friendships between people in any combination of genders. I argue that, whatever the genders of the friends, there are reasons to think the friends may be morally compromised by expressions of sexual desire at least if this desire is an appetite. Understood as an appetite, sexual impulse conflicts with at least one core tenet of friendship: the well-wishing love of others. In the next chapter, I argue that this inherent tension between sexual impulse and well-wishing love calls for rethinking sexual impulse. If, contra Kant, sexual partners are also to be friends, it must be possible to conceive of sexual relations as at least

45 See note 34 above.
sometimes more than, or other than, merely an expression of an appetite that is satisfied by using others for one’s enjoyment.
Chapter 3

Moral Friendship Versus Kantian Matrimony

Understood as an appetite, Kant’s conception of sexual impulse is at odds with at least one of his core tenets of moral friendship: the well-wishing love of others. I argue that this inherent tension calls for rethinking the concept of sexual impulse. An interesting question arises as to whether Kant could philosophically afford to abandon viewing sexual desire as an appetite, and what implications doing so would have on his conception of matrimony. The chapter does not provide a definitive answer to this question. Instead, it considers in depth whether Kant is right in keeping friends at a distance, sexually. As he aptly points out, most friendships fall radically short of realizing his ideal of moral friendship; hence, even if we can conceive of sexual appetites differently, such that sex is compatible with moral friendship, we should not be too quickly dismissive of the moral risk Kant identifies with sex in non-marital relationships.

The structure of this chapter is as follows. It begins with an exposition of Kantian friendship, followed by an exposition of the limitations Kant prescribes within friendship. It then offers a comparison of Kantian matrimony and moral friendship, and turns to the question of whether Kant is correct in keeping friends at a distance sexually.

Kantian Friendship

Early in his Lectures, Kant introduces three notions of friendship. These include friendships of need, friendships of taste, and friendships of disposition and sentiment. In a separate discussion, he provides a fourth definition of friendship, which I shall refer to as “moral

46 LE 27:425.
friendship.” It contains five elements including; (i) the well-wishing love of others; (ii) equality; (iii) communal possession; (iv) intimate communication and; (v) love toward reciprocal well-pleasedness.47

In his explication of Kant, Allen Wood regards friendships of disposition as Kant’s “true, or complete form of friendship.”48 As I will demonstrate shortly, Kant thinks moral friendship is an ideal towards which we should aspire but which is impossible for humans to actually achieve. Friendships of disposition may be relatively rare, but some people do achieve this form of friendship, on Kant’s view. In accordance with Lara Denis and Stijn Van Impe, I distinguish Kant’s friendships of need, of taste, and even of disposition from moral friendship.

Friendship of need

Kant argues that a friendship of need occurs in the most “primitive” conditions, “whereby the participants may entrust each other with reciprocal concern in regards to the needs in life.”49 This kind of friendship survives only when the needs are simple. Using Kant’s example, food is a basic need that all “primitive folk” share. Such individuals have good reason to befriend each other, as it potentially increases their competency to gather food. Hence, a friendship of need is based on “the need for self-preservation, the protection so sorely needed against hostile threats.”50 Every friendship, according to Kant, “[presupposes] this friendship of need, not in order to enjoy it, but to trust it; [you] must have confidence in each of [your] true friends, that he

47 Allen Wood, Kant’s Ethical Thought (Cambridge: Cambridge University Press, 1999), 280. The fifth element is Wood’s translation of Kant’s German usage.

48 Ibid, 276.

49 LE 27: 425.

50 LE 27: 681.
would be able and willing to look after [your] affairs, and promote [your] interests.”

Yet, friends of need, according to Kant, are not moral friends. Once the “mutual advantage or mutual need disappears,” he contends the friendship of need disappears along with it.

**Friendship of taste**

A friendship of taste consists “in taking pleasure in the company and mutual association of the two parties, rather than their happiness.” Such friendships, according to Kant, are stimulated by difference, not similarity. Using Kant’s example, “one scholar will have no friendship of taste with another, for the one can do what the other can; they cannot satisfy or entertain one another, for what one knows, the other knows too; but a scholar may well have a friendship of taste with a merchant or soldier, and so long as a scholar is no pedant, and the merchant no blockhead, then each can entertain the other on his own subject.” Kant thinks friendships of taste are “more likely to occur between men from different social levels.” Some sort of heterogeneity is important here. Perhaps Kant might allow for two scholars to enjoy a friendship of taste if their areas are sufficiently different so as to complement rather than replicate each other.

---

51 LE 27: 425.


53 LE 27: 427.

54 Ibid.

Friendship of disposition and sentiment

After detailing friendships of need and taste, Kant points to a tendency humans have in withholding “the greater part of their disposition, [such that they] do not pour out [their] feelings, attitudes and judgments.” According to Kant, this suspicion, and general lack of trust, inhibits persons from being in full communion with each other. Yet, he argues, “we have need of a friend in whom we can confide, and to whom we may pour out all our views and opinions; from whom we cannot and need not hide anything and with whom we are fully able to communicate.” This kind of friend is distinct from those based on need, where each treats the other as “coffers to contain a shilling for [yourself].” The friendship of disposition and sentiment is also distinct from what is enjoyed by friends of taste, whose relationship is based on difference. Rather, friends of disposition and sentiment “are in agreement with regard to intellectual and moral principles.” They “share the same moral feeling (i.e. a receptivity for the moral law), a feature of the relationship which Kant thinks enables persons to fully understand each other.” Herein lies Kant’s friendship of disposition and sentiment, which bears a close relationship with what is required by morality.

56 LE 27:427.
57 Ibid.
58 Ibid.
59 Ibid.
60 Stijn Van Impe, “Kant On Friendship,” 131.
61 Ibid, 132.
Moral Friendship

Kant’s account of moral friendship has five elements. These include; (i) the well-wishing love of others; (ii) equality; (iii) communal possession; (iv) intimate communication and; (v) love toward reciprocal well-pleasedness. The last element makes friendship an ethical duty.

(i) Well-wishing love to others

Kant distinguishes between “well-wishing,” and “well-liking.” He maintains, humans “[have] at all times the intention of promoting one’s happiness.”\(^62\) The love of well-wishing for others is no different. Kant claims:

The well-wishing of others is the universal duty of love, which we owe to every man, since we must absolutely make it our maxim to promote goodness in others. The expression: I am his friend; he is my friend therefore means nothing else but, I cherish the inclination of well-wishing towards him from maxims= I love him from duty.\(^63\)

Well-liking is based on appreciating another person’s characteristics. This is distinct from well-wishing. While you can easily not like everyone, and this is morally acceptable, you have a duty to wish everyone well, even those for whom you have little esteem. On Kant’s view, “well-wishing [is] more closely and strictly coupled with the idea of friendship, if the criterion of reciprocal well-wishing is attached to it.”\(^64\) Although you must love everyone from duty, you do not, on Kant’s terms, have a duty “to make friends with everyone.”\(^65\) The latter is distinct from

---

\(^62\) LE 27: 675.

\(^63\) Ibid.

\(^64\) LE 27: 677.

\(^65\) Ibid.
“being everyone’s friend.”  

Even if you could see in everyone their value as human beings and appreciate and be pleased by that, you cannot control the wishes and feelings of others. They may fail to wish you well or fail to be pleased by you. As such, friendship depends on mutual well-wishing and reciprocal well-liking.  

(ii) Equality

According to Kant, moral friendship cannot exist among unequals. He argues, “the ability, that is, to promote the other’s well-being, and do him good, must be the same in both, whether it be a question of their powers, or of wealth and influence.”  

On Wood’s interpretation of Kant, “friendship requires equal love but more importantly equal respect.”  

Inequality potentially puts one friend in a position of superiority over the other, and also potentially makes one friend more dependent on the other. These implications, according to Wood, might undermine “the fragile trust required by the intimacy that makes it possible for friends to possess one another, and share their thoughts, feelings, and lives with one another.”  

(iii) Communal Possession

According to Kant, moral friends “possess each other in respect of their whole moral disposition, and each mutually shares in every situation of the other, as if it were encountered by himself.”  

In this regard, Wood argues, “friendship [for Kant] is like marriage…namely

66 LE 27: 677.

67 Jackie Davies, editorial note to author, August 10th, 2015.

68 LE 27: 677.

69 Allen Wood, *Kant’s Ethical Thought*, 279.

70 Ibid, 279.

71 LE 27: 677.
something like a mutual surrender or alienation of two persons to each other.” I disagree with this comparison. There is an important different between the communal possession between Kantian moral friends and the total mutual subordination, taking place within Kantian matrimony (henceforth referred to as matrimony).

Unlike matrimony, moral friendship does not require that friends license the total use of the whole person. There is a distinction to be made here, in terms of a friend being possessed or affected by the perspectives and experiences of the other, as opposed to possessing the other. The latter form of possession is the kind that operates in matrimony. You have the right to use (for moral purposes) the whole embodied person of your spouse, including but not limited to using her or his sexual capacities. This means no one else may so use him or her. On the other hand, there could be multiple moral friends, who are all affected by what affects their friends.

In my view, the basis of belonging to your friend is more closely linked to the well-wishing love of others. If you share the same moral disposition with your friend, you have that disposition in common. You see the world morally in the same way that he or she does, and would therefore want to support their morally motivated actions. In this way, moral friends share in every situation and in moral disposition. This sense of reciprocal possession is distinct from Kant’s conception of possession within the context of matrimony. The latter points will become more apparent following a more detailed reconstruction of Kant’s conception of matrimony.

(iv) Intimate communication

____________________

72 See note 24 above.
73 Kant does not provide his own label. I borrow from Wood (1999, 281). Others, like Van Impe, refer to this category as Intimate Communication and Open-heartedness.
According to Kant, this element concerns the “reciprocal enjoyment of [your friend’s] humanity.” Kant does not have physical enjoyment in mind, and goes on to say that the “mutual enjoyment, which arises in that a man shares his thoughts with the other, and the other, conversely, with him, is the foundation of open-heartedness…” According to Van Impe, open-heartedness requires more than just sharing your “sensory fellow-feeling;” more importantly for Kant, it involves “intellectual sharing.” Precisely what Kant means by the latter is not clear. I suspect that it involves disclosing your thoughts, which enables moral friends to engage on a deeper intellectual level.

Kant thinks intellectual sharing, or open-heartedness, leaves friends in a vulnerable state. He maintains, “trust with caution only, and disclose to him nothing which he might be able to misuse, to the detriment of your respect.” Interestingly, while he thinks open-heartedness forms the basis of moral friendships, he also thinks actual friends should still keep each other at a distance. I will spell out this limitation more fully in my section regarding the limitations of Kantian friendship.

(v) Love toward reciprocal well-pleasedness

Kant dedicates three lines to this component of friendship. It is the shortest discussion of his five elements of moral friendship. He claims, love of mutual well-pleasedness “lies solely in

74 LE 27:678.
75 Ibid.
76 Van Impe, 134.
77 LE 27: 679.
78 Allen Wood, Kant’s Ethical Thought, 280. I borrow from Wood’s translation. Van Impe refers to this category as “the love of mutual well-liking” (2011, 134).
the intellectual disposition of the friends, engendered from the material of reciprocal esteem, and rests on the intellectual need for friendship."\textsuperscript{79} Such friends, based on Wood’s interpretation of Kant, “are truly friends only if in addition to loving one another, they also cherish (or love) something of great moral value that friendship initiates, namely, the fact that two human beings really do reciprocally esteem one another, show benevolence toward one another, communicate intimately, and unite their ends, swallowing up the happiness of each into a shared end.”\textsuperscript{80} Cherishing the friendship itself, according to Wood and Van Impe, turns moral friendship into an ethical duty. \textsuperscript{81} Indeed, in Metaphysics, Kant maintains “the adoption of this ideal in their [friend’s] disposition towards one another makes them deserving of happiness; hence, human beings have a duty of friendship.”\textsuperscript{82} The CI implies that all persons are worthy of respect, and that we all become worthy of happiness only in virtue of being moral. The main point, with respect to Kant’s fifth feature of moral friendship, is that friendship enables friends to cherish something of great moral value (i.e. the friendship itself), which makes friendship an ethical duty.

After outlining these five elements, Kant provides a definition of friendship. He concludes:

> These components of friendship, taken together from 1 to 5, give us the concept of it as follows: a complete love of well-wishing and also of well-liking among equals, in regard to their moral disposition and inclinations.\textsuperscript{83}

\textsuperscript{79} LE 27: 681.

\textsuperscript{80} See note 56 above.

\textsuperscript{81} Ibid.

\textsuperscript{82} Allen Wood, Kant’s Ethical Thought, 280.

\textsuperscript{83} LE 27: 681.
As mentioned previously, some philosophers, like Denis and Van Impe, interpret Kant as providing here a definition of “moral friendship.” I agree with Denis and Van Impe’s characterization. In contrast to Wood, Denis and Van Impe maintain that for Kant friendships of disposition are incomplete unless all five elements are present. In fact, Kant thinks actual friendships, including friendships of disposition as well as friendships of need or taste, fall rather short of the ideal. Kant contends:

So when Socrates said: “My dear friends there are no friends”, this was as much as to say that no friendship ever matches the Idea of friendship; and he was right about this, for it is not in fact possible. But the Idea is true, nonetheless.\(^84\)

For one thing, Kant argues that there is “still a need for reserve,”\(^85\) even among friends of disposition. He maintains:

we must conduct ourselves to a friend, that it does us no harm if he were to become our enemy; we must give him nothing to use against us. We are not, indeed, to suppose that he may become our enemy, for then there would be no trust between us. But secrets which might detract from our happiness, and might well be divulged if he did become an enemy, then it is very unwise to tell him these things, since he could either give them away through inadvertence, or use them to our hurt if he were to become a foe.\(^86\)

As Wood aptly points out, while Kant thinks friendship provides a way for humans to enter into full communion, he “advises us never to open ourselves fully to our friend but always conduct ourselves to our friend as if they were our enemy.”\(^87\) Actual friendship thereby presents us with a limited sort of communion. Although Kant argues that we are not indeed to suppose that our friend will become our enemy, as there would then be no trust between friends, he thinks

\(^{84}\) LE 27: 424.

\(^{85}\) LE 27: 428.

\(^{86}\) LE 27: 430.

\(^{87}\) Allen Wood, *Kant’s Ethical Thought*, 282.
that we should keep our vulnerabilities from our friends. I shall return to some of these points after discussing the tenets of matrimony, followed by how these two sets of relations compare in terms of limitations on sexual intimacy.

**Kantian Matrimony**

Another valuable set of Kantian relations is matrimony, which is Kant’s proposed solution to the moral problem he identifies with sex in general. Although I alluded to some of the following points in the previous chapter, it is worth returning to why Kant thinks sex is almost always potentially morally problematic, and precisely how matrimony functions as a solution to this problem.

The Humanity Formulation of CI precludes using others as a *mere* means; hence, you should aim to treat humanity as end in and of itself. In virtue of CI, sexual impulse, and its corollary, sexual objectification, is morally problematic for various reasons. According to Kant, “as soon as anyone becomes an object of another’s appetite, all motives of moral relationship fall away; as object of the other’s appetite, that person is in fact a thing, whereby the other’s appetite is sated, and can be misused as such a thing by anybody.” Treating a person as an object is paradigmatically immoral for Kant; sexual objectification is a particular and perhaps paradigmatic case of such immorality. Sexual objectification is morally problematic because the objectified person’s humanity, his or her capacity to formulate and respect moral laws, is of no concern to the objectifier. The sexual objectifier and the objectified person are both reduced to things, mere objects or means of satisfying sexual desire. It follows that sexual impulse is

---

inherently a potential source of immorality. In effect, efforts to satisfy your sexual desires use others and yourself as *mere means*, which is immoral.

Yet, Kant does not think that the sexual impulse or sexual relations are morally irredeemable. At least one natural end of sex, which humans have good reason to adopt as a moral end, is the preservation of the species; but even heterosexual sex, which can achieve this end, is also subject to the problem of sexual objectification. Kant’s solution to this problem lies in matrimony.

Crucially, since the morally problematic aspect of the sexual impulse is that it is always directed at a mere part of a person, someone’s sex, the possibility of moral sex is premised on the possibility of engaging sexually with a person as a whole. To the extent that sexual impulse entails a desire to have or dispose over someone, the possibility of moral sexual activity depends on the possibility of having a right to dispose over a whole person. As such, Kant also rejects polygamy, since it entails that one spouse has given herself over wholly to someone who can only have given himself over partially to her since he has given himself to multiple spouses. There must be total reciprocity in order to avoid objectification. He argues, “if the other has complete rights over it [your person], and if the other does not similarly yield himself in return and does not extend in return the same rights and privileges, the arrangement is one-sided.”

This move is important; otherwise, the sexual relationship is akin to the relationship between slave and slave-owner, which respect for autonomy does not support.

As such, Kant premises matrimony on equal reciprocity. The mutual exchange of rights to dispose over the person as a whole creates the “Unity of the Will,” which transforms the dangerous world of sexual impulse, into one where the husband and wife enter into a sexual

---

89 LE: 27:385.
relationship and at the same time respect each other’s humanity. It follows, for Kant, that moral sex is possible only if it is heterosexual, monogamous, and legally bound by marriage. Herein lies Kant’s solution to the problem he identifies with sex; this is his conception of matrimony.

Let us suppose, for the sake of argument, that total mutual subordination within matrimony succeeds in terms of providing a context for moral sex. Although moral friendship has an element of reciprocal enjoyment and communal possession, the sense in which friends possess each other is distinct from the way that Kantian husbands and wives possess each other. For one thing, moral friends do not assume mutual rights over each other’s whole person. As such, friends do not license the use of each other’s body parts, whereas spouses do.

Although it is quite obvious that Kant thinks all sex outside of matrimony is destructive, it is useful to consider the particular ways in which sex could undermine actual friendships. Or put differently, it is worth exploring why Kant thinks friends should keep each other at a distance, sexually. Kant’s reasoning might mirror his concern to limit the other kinds of intimacies friends might share.

Kant conceives of sexual impulse as an animalistic appetite akin to hunger. If two people experience sexual hunger, each might agree to satisfy the other’s hunger in return for the same favour. Or you might agree to satisfy the other’s sexual hunger in return for having some other need met. Though friendships of need do not constitute the moral ideal of friendship, he does not condemn them as immoral. You could ask, like “primitive folk” befriending each other based on their simple needs, (e.g. to gather food for sustenance), might people befriend each other based on their need to have sex?

Based on Kant’s conception of friendship of need, we could expect sexual friendships of need to disappear once the need to enjoy the other person sexually disappears. This might happen
through the ebb and flow of sexual desire and satisfaction, or the reorientation of sexual interest to some other person. It is interesting that while friendships of need, with or without sexual benefits, both involve using another person. However, Kant thinks that something has gone more seriously awry in the case of friendships based on sexual need. In the case of sexual friends of need, one of the friends, or both, using Kant’s own words, are cast aside once the need disappears.

Let us consider another example of a friendship based on need. Suppose you befriend a neighbor, who happens to be a classmate who owns a vehicle. The neighbor offers to drive you to class during the cold winter months, in exchange for helping clear her driveway after heavy snowfalls. Both of you benefit from the exchange, and once the snow clears, the friendship disappears along with it. Kant would not find anything morally objectionable about this exchange. The neighbors are not merely using each other; one respects the other’s decision to help someone get to class, while the other respects the decision to clear the driveway so that the car can be driven. While these friends are not Kantian moral friends, this short-lived friendship is not immoral on Kant’s view.

Now suppose you befriend a neighbor you are sexually attracted to. The neighbor also finds you sexually attractive, and you both decide to have consensual sex, which results in the reciprocal enjoyment of each other’s sexual attributes. There is an element of reciprocity in the case involving the car, and the case of sexual attraction. However, the desire to be driven to school on cold winter day, in exchange for cleaning a driveway, does not undermine the neighbor’s humanity in the way sexual desires potentially do, on Kant’s view. According to Kant, in the case of the neighbors befriending each other to have sex, the sexual desire motivating the friendship targets the other’s sex rather than his or her decision to meet your
needs; this is what reduces him or her to a sexual object. For Kant the difference between how a friends of need treat each other and how friends with sexual benefits treat each other has to do with the legitimacy of agreeing to help someone meet specific kinds of needs or desires. Agreement to do something immoral is insufficient to make it moral. For Kant, the immorality of sex can derive from its inconsistency with nature or from its natural single-minded focus on a part of a person. If the latter moral flaw is not overcome (e.g. though matrimony) the reciprocity of need, or taste, is irrelevant.

On Kant's view, if a person helps another to feed himself, she is agreeing to do something that can be universalized and morally endorsed (e.g. provide nourishment to others when you can, assuming this does not involve immoral acts such as stealing the ingredients, or offering up a person or part of a person as food). By contrast, if one person satisfies the sexual needs of another (to whom she is not married) on Kant's account of sexual appetite, she does this by transforming herself into an object of appetite. She offers herself to be consumed and this is not something that a friend (or anyone) can legitimately offer, according to Kant. Kant denies that the maxim “offer yourself to the appetites of others” can be universalized.

Assuming that the actual friends, be they friends of need, taste or disposition and sentiment, are not married to each other, using each other sexually would amount to friends consuming and therefore merely using each other’s sexual attributes. Kant would say the same of any sexual encounter outside of matrimony. Hence, sexual impulse is destructive in its potential to denies the other’s humanity. Introducing sex into friendship puts humans at risk of using each other as mere means, which gives Kant reason to limit friendship in terms of sexual intimacy.

In “Kantian Marriage and Beyond: Why It Is Worth Thinking about Kant on Marriage,” Lina Papadaki argues that Kant over exaggerates the distance needed between friends, and thus
the incompatibility of friendship and sex. At the same time she regards the respect that characterizes friendship as preferable to the loss of the distinct personhood of each of the two parties in a marriage. She argues, in support of sexual friendship, that precisely because of its virtues a moral friendship would not be undermined by sex:

Within this relationship of perfect communication and understanding the two partners would clearly not regard each other as mere tools for sexual pleasure. The partners in a relationship of disposition would never allow each other to “lose their persons”: they would deeply value, respect, and promote each other’s humanity. Marriage, then, is not the only context in which people can exercise their sexuality in a morally unproblematic way.

According to Papadaki, it is possible for (moral) friends not to regard each other as mere sexual tools. There is a critical distinction between spouses who are friends to each other, and unmarried erotically intimate moral friends. I will return to the former category in the next chapter. For the moment, like Papadaki, I will focus on the unmarried erotically intimate friends. Let us bracket, once again, the possibility that we can imagine sexual desire in a way that does not threaten self respect or respect for others. If we allow that sexual desire is often appetitive sexual impulse per Kant’s description, opening the door to sex within a friendship may open the door to self-objectifying and other-objectifying appetites. This possibility is at odds with a crucial component of moral friendship: the well-wishing love of others. The latter has priority over the satisfaction of sexual desires.

Appetitive sexual impulse and the well-wishing love of others are at odds. With respect to the latter, Kant maintains, “the well-wishing of others is the universal duty of love, which we


91 Ibid, 291.
owe to every man, since we must absolutely make it our maxim to promote goodness in others.”92 Hence, benevolence, which is directed at promoting your companion’s happiness and well-being underpins moral friendship.93 On his own terms, Kant conceives of sexual impulse as an appetite involving an “enjoyment of the other.”94 It is not, on Kant’s view, directed at the other’s happiness, even if the enjoyment is mutual. More crucially, sexual impulse is directed at the other’s sexual attributes, i.e. a mere part of a person. This undermines regard for the sexually objectified person’s humanity. The latter puts sexual impulse at odds with the well-wishing of others, and gives Kant reason to keep friends at a distance, sexually speaking.

Another reason for keeping friends at a distance according to Kant is the need for discretion, even among friends. Papadaki rejects intimacy as a problem, because friends respect each other. However, Kant maintains that familiarity with someone might get in the way of well-wishing towards them when this familiarity includes knowledge of the other’s moral shortcomings. Suppose you “catch” your friend stealing. You judge this person in light of your shared moral commitments and sense of duty. Knowing that a person is immoral presents a barrier to liking the person and to wishing that person happiness in their current moral state (even though it is a duty to wish them happiness). In general, intimacy is a risky proposition between friends according to Kant. Sexual intimacy is even more threatening. If sexual desire is an objectifying appetite, sexual friends reveal their capacity to regard themselves and others in objectifying ways. In so doing, each invites the other to witness a manifestation of disrespect for humanity.

92 LE 27: 675.

93 Allen Wood, Kant’s Ethical Thought, 283.

The inherent tension between sexual impulse and the well-wishing love of others calls for rethinking sexual desire or sexual expression as something that might be compatible with respecting others. We would need to regard it, contra Kant, as something other than an appetite that leads to objectifying and using others for your enjoyment. As I argued at length in my previous chapter, an appeal to pleasure alone does not give us the tools to adapt Kantian matrimony to include same-sex relations. Similarly the consensual pleasure of mutual sexual enjoyment between friends does not counter the threat of objectification. What we are in search of are other moral reasons for having sex, beyond preserving the species, which are consistent with duties towards yourself and others, and which do not also violate the categorical imperative. Satisfying the desire for pleasure is not a good enough reason, according to Kant, to motivate moral action. Identifying alternative reasons are is beyond the scope of this chapter. Opening up the possibility for sex within moral friendship depends, I think, on finding such reasons.

Still, there is still need for caution. Even if we can conceive of sexual appetites differently such that sex is compatible with moral friendship, actual friendships, as Kant points out, fall radically short of the ideal. While Papadaki and others might be on the right track in thinking that in a “relationship of perfect communication and understanding the two partners would clearly not regard each other as mere tools for sexual pleasure,”95 most friendships do not achieve perfect communication and understanding. The combination of sex with imperfect communication could lead to the moral demise of friendships. As I will detail in the next chapter, one dimension of matrimony is that it is a legal and moral institution that is supposed to act as a safeguard for the persons entering it. Even if it is possible, as I have hinted, that there are other

95 See note 91 above.
good moral reasons for having sex (besides reproduction), in the absence of safeguards it may be unrealistic or risky for unmarried friends to exclude the possibility that they are not merely being used sexually by their partner.

While I think we should be open to other accounts of sexual desire other than the Kantian objectifying appetite, it at least sometimes motivates sexual behaviour. A moral person could be at risk of being used by someone who they thought was a moral friend, but who turned out to be less than perfectly moral. The risk is not merely in being hurt, but in permitting an offence against humanity in your person, which is a harm to humanity as such. This is a risk one may not be open to, on Kant’s account. 96

My final point is that even if sexual impulse need not take the form of sexual appetite, we should not be so quick to set aside the problem Kant identifies with sex, or why he thinks sex could be potentially morally problematic. Although I think Wood is wrong to characterize friendships of disposition and sentiment as friendship in its highest, ideal form, he is right to point out that “friendship is like our virtues and our moral principles, which always exist in imperfect form, forever standing in need of correction and striving endlessly toward perfection…as part of the condition of finite rational beings, it shares in the insuperable self-alienation of that condition.”97 If moral friendship is just an ideal; something that we strive towards, then this gives us sufficient reason keep our friends at a distance, sexually.

96 Jackie Davies, editorial note to author, August 29th, 2015.

97 Allen Wood, Kant’s Ethical Thought, 281.
Chapter 4

When Sex Goes Deontologically Wrong: Cheaters and Over-Eaters

Matrimony is the only context in which Kant thinks moral sex is possible. It is worth pointing out that Kant may have had his doubts about whether all marital sexual relations are moral ones. I show how even if we grant Kantian normative assumptions about gender and sexual orientation, Kant could still imagine sex going deontologically morally wrong within a marriage between two heterosexual individuals. This line of reasoning implies that in actual cases the marriage license may be insufficient to guarantee moral sexual relations. Like Kant’s conception of moral friendship, moral sex may be more of an ideal than something that human beings actually achieve.

The structure of this chapter is as follows. It first details some of Kant’s normative assumptions about gender and sexual orientation. It then turns to the question of whether matrimony succeeds conceptually as a context for moral sex, and forwards two cases, which I refer to as the “gluttonous dinner guest” and “sexual gluttony,” to reach the conclusion that the marital license may be insufficient to guarantee moral sexual relations on Kant’s terms.

A Return to Friendship and Matrimony

Kant’s conceptions of both friendship and matrimony share at least one thing in common: misogyny. With respect to friendship, Kant writes, “the male sex has friendship and devotion...the female sex roguishness, kindness, etc.” In *Anthropology from a Pragmatic Point of View*, Kant writes, women keep “another person’s secret [rather] poorly,” and thereby make very poor friends. That is not to say that women are incapable of being friends, or having friends.

---

98 LE: 27:50.

Kant maintains, “the friendship between two men, from the concept of the sublime can have unity, as can the friendship between women, from the concept of the beautiful.”

Due to the inherent differences he sees between men and women, Kant’s account of moral friendship excludes women.

Incidentally, Kant also makes racist claims about the capacity for virtue possessed by peoples of various nations. He does not think that all peoples are capable of the union of the will entailed by marriage. Kant argues:

Two persons convening at random is insufficient for the unity and indissolubility of a union; one partner must yield to the other, and, in turn, one must be superior to the other in some way, in order to be able to rule over or govern him. For in the equality of claims of two people who cannot do without each other, self-love produces nothing but squabbling. In the progress of culture, each partner must be superior in a different way: the man must be superior to the woman through his physical power and courage, while the woman must be superior to the man through her natural talent for mastering his desire for her; on the other hand in still uncivilized conditions superiority is simply on the side of the man.

He continues,

In the crude state of nature it is certainly different. There the woman is a domestic animal. The man leads the way with weapons in his hand, and the woman follows him loaded down with his household belongings. But even where a barbaric civil constitution makes polygamy legal, the most favoured woman in his kennel…

Kant combines his Eurocentric and androcentric account of human nature, and presents sexual/domestic relations of various kinds according to what he imagines the state of moral development to be in various societies which more or less measure up to a European ideal of civilization. Kant does not simply regard women as inferior to men in various ways, but also

100 LE: 27:50.
101 A: 204.
102 A: 205.
some racial types of women as inferior to women of superior races and some men as racially inferior to men of superior races.\textsuperscript{103}

It is also interesting that Kant legitimates economic inequality between men and women by naturalizing it. This inherent inequality gives him reason to think “marriage can never involve true friendship, since the wife is economically dependent on the husband and her respect for him must therefore be greater than his respect for her.”\textsuperscript{104} Although you could easily imagine an independently wealthy woman (via inheritance for example) marrying a less wealthy man, Kant seems to reject this possibility out of hand as incompatible with what he imagines to be the natural relations between the sexes.\textsuperscript{105}

Women are not just economically vulnerable or dependent. On his view, women are naturally vulnerable, and legitimately ask for man’s protection. In \textit{Anthropology}, Kant maintains:

As Nature entrusted to the woman’s womb her most precious pledge, namely, the species, in the shape of the embryo and planted fear into the woman’s character, a fear of physical injury and a timidity toward similar dangers. On the basis of this weakness, the woman legitimately asks for masculine protection.\textsuperscript{106}

\textsuperscript{103} Jackie Davies, editorial note to author, August 2015.

\textsuperscript{104} Allen Wood, \textit{Kant’s Ethical Thought}, 279.

\textsuperscript{105} “Charles Mills discusses this issue at more length in \textit{The Racial Contract}. Mills also makes it clear that Kant is typical rather than atypical of the early modern European philosophers, which can be read as consistent with the Eurocentric political projects of colonialism and the development of European capital on the human and material wealth of subjugated nations. This phase of economic and political development is only morally tolerable if the subjugated people are imagined as less than fully human.” Jackie Davies, editorial note to author, August 2015.

\textsuperscript{106} A: 306.
At least one natural end of sex, which Kant thinks humans have good reason to adopt as a moral end, is the preservation of the species. Entrusted with the womb and burdened by fearfulness, women enter into marriage for protection. Kant also thinks that women are naturally inferior to men in terms of their rational capacity, which further legitimizes men as rulers of the household. Mari Mikkola discusses this issue at length in, “Kant On Moral Agency and Women’s Nature,” and, based on her interpretation of Kant, suggests that “women are not deficient in that they simply cannot speak for themselves; instead, he thinks that women should not speak for themselves.” As such, while husband and wife assume complete mutual rights over each other’s person, Kant’s views on the nature of men and women requires that one person dominates in marriage; this person is the man.

Kant’s misogyny, heterosexism, and racism, has been at the center of fierce criticism. If these commitments are abandoned, I think both friendship and matrimony have richer possibilities. Yet, there is a question of whether Kant can philosophically afford to abandon his misogyny to allow for conceiving of sex as, say, cherishing as expressive of sensual generosity, rather than as an appetite for a part of someone. For now, I show that even if we grant Kantian normative assumptions about gender and sexual orientation, Kant could still imagine sex going deontologically morally wrong within a marriage.

Kant’s Categorical Imperative precludes using others as mere means. It follows, that humans, in general, run the moral risk of using others as mere means, and should avoid treating

\[\text{-----------------}\]


each other as such. Everyone also runs the risk of being used as a mere means. On Kant’s view there are lots of ways humanity can be harmed. There is the harm of being treated immorally and the harm of treating others immorally. Being merely used or taken advantage of is also distinct from taking advantage of others. Being merely used sexually (for compensation or otherwise) is a distinct harm from merely using others sexually or using oneself sexually. Inviting someone to merely use you, or even just permitting it are further kinds of harms. A given case of sexual activity might involve one or many of the harms that can be differentiated on Kant’s schema.

Donald Wilson points out that in making yourself sexually available, you run the moral risk of ceasing to be a person. In other words, you run the risk of being used. That is harmful. But you might decide that this is a risk you are prepared to take, since maybe you are not being used and everything will turn out well. Against this, a Kantian would argue that the risk of being merely used is a risk of being treated as an object rather than a person, and this is an offence against humanity as such. This is not a risk that anyone has a right to take.

On Kant’s view, you must respect humanity not only in others, but also in your own person. Hence, Kant thinks that we have a responsibility not to be complicit in acts of degradation. In allowing others to merely use their sexual attributes, non-married persons have failed to defend humanity in their own person. Profiting from making oneself available in this way, just makes it worse according to Kant. Consider Kant’s discussion of those he labels “prostitutes.” He argues:

But if a person allows himself to be used, for profit, as an object to satisfy the sexual impulse of another, if he makes himself the object of another’s desire, then he is disposing over himself, as if over a thing, and thereby makes himself into a thing by which the other satisfies his appetite, just as his hunger is satisfied on a roast of pork. Now since the other’s impulse

is directed to sex and not humanity, it is obvious that the person is in part surrendering his humanity, and is thereby at risk in regard to the ends of morality.\textsuperscript{110}

As Lina Papadaki correctly points out, Kant blames the “prostitute” for putting “her” humanity in harm’s way. Papadaki explains that Kant thinks that the prostitute “is responsible for her objectification and degradation, as long as she voluntarily allows others to use her person (body and self) sexually for profit, and so to turn her into an object.”\textsuperscript{111} In other words, Kant thinks the prostitute is responsible for complicity in her own objectification. A question arises as to whether Kant thinks that there is something especially wrong in “surrendering” your humanity in exchange for compensation.

Kant’s answer to this question is yes. The prostitute encourages someone to degrade her humanity. Further, she monetizes the buyer’s immorality, and has an interest in promoting his immorality, as well as suffering from it. Importantly, the efforts of those willing to pay for sexual services are not excused by Kant for using those sexual services, even though he thinks “prostitutes” are blameworthy for making themselves available.

To emphasize just how bad Kant thinks objectification is, consider his remarks on those who have been raped:

No matter what torments I have to suffer, I can live morally. I must suffer them all, including the torments of death, rather than commit a disgraceful action. The moment I can no longer live in honour but become unworthy of life by such an action, I can no longer live at all. Thus it is far better to die honoured and respected than to prolong one's life . . . by a disgraceful act . . . If, for instance, a woman cannot preserve her life any longer except by surrendering her person to the will of another, she is bound to give up her life rather than dishonour humanity in her own person, which is what she would be doing in giving herself up as a thing to the will of another.\textsuperscript{112}

\textsuperscript{110} LE 27: 386-387.


\textsuperscript{112} LE 27: 285.
According to Kant, you have an obligation to defend humanity in yourself. As such, women have an obligation to defend themselves against rape. Based on Soble’s interpretation of Kant in his insightful work, “Kant and Sexual Perversion,” Kant thinks that it is “better to be dead than to lose one's humanity by being forcibly made into a sexual object by another.”

Rape reduces persons to objects, and you have a duty to defend yourself against it, potentially, to the death.

Making your body available for sexual use (for compensation or otherwise) is distinct from merely using another’s body, or using your body, to satisfy your sexual inclinations. On Kant’s account, sex outside of marriage, be it for compensation or not, is necessarily degrading. Both the willingly sexually objectified person and the objectifier are morally blameworthy for his or her actions, according to Kant. While there is a general risk in merely using others, or being merely used, it is inaccurate to interpret Kant as saying that non-married persons run the risk of merely using the sexually objectified person, or that they run the risk of failing to defend humanity in his or her person. There is not simply some chance that things will go wrong. For Kant, moral degradation is an inherent and unavoidable part of the scenario.

As such, Kant thinks one or more of four possible morally objectionable results will happen in any instance of sex outside of matrimony:

1. The objectifier merely uses the sexually objectified person.
2. The sexually objectified person actively participates in his or her own objectification.
3. The sexually objectified person does not want to be objectified but permits it by failing to defend the dignity of humanity in his or her person.
4. An agent merely uses his or her own sexual attributes, degrading humanity only in his or her own person (i.e. masturbation).

---

On Kant’s account, the only measure, or precaution against such morally poor treatment is matrimony. This union, according to Kant, confers a great deal of moral security. In this regard, I think Kant’s views on love and respect help to identify a kind of prudential risk of sex.

In “Of the Two Drives of Nature and the Duties Relating to Them,” Kant maintains:

Respect is directed to our inner worth, but love only to the relative worth of others. One is respected because one has inner worth. The other reason is because respect confers greater security in regard to others than love does. By means of it we are more inviolable and better protected from offense. Love, however, can be present at any esteem. It rests on the love of other people. It is up to others, whether they wish to love or reject or hate me. But if I have inner worth, I shall be respected by everyone; here it is not a matter of anyone’s liking, for he who perceives my inner worth will also respect me.\textsuperscript{114}

Admittedly, Kant’s passage moves me. When entering into relationships, you assume a certain degree of risk. This risk is precisely the result of the fact that it is up to others, whether they wish to love, reject, or hate you. Fear of rejection hinders the extent to which you are willing to enter into relationships. The fear seems to multiply exponentially when previous rejections originated from those you loved, or perhaps, continue to love deeply. Greater is the fear that as soon as the other’s appetite is sated, you will be thrown away, “as one throws away a lemon after sucking the juice from it.”\textsuperscript{115} According to Kant, matrimony escapes the latter worry, in virtue of total mutual subordination. Since what happens to one party matters to the other, matrimony ensures a certain degree of security. In this context, the fear of being thrown away should subside.

\textsuperscript{114} LE 27: 407-408.

\textsuperscript{115} LE 27: 285.
The fear of your partner only taking a liking to your sex also diminishes in matrimony, on Kant’s view. The marital commitment is the sign that the motivation for the sexual relationship includes respect for the sexual partner as partner to more than a sexual act but to a whole relationship which functions as a context within which sexuality can be enjoyed without reducing the sexual partner to an object of sexual desire. Hence, matrimony is supposed to act as a safeguard for the persons entering it, so that it is not unreasonable for them to think that they have been given a sign of being respected by their spouse as someone with whom a legitimate context for sex can be created.

Those entering into matrimony are required to make a vow of fidelity. In terms of total mutual subordination, Kant argues, “if the other has complete rights over it [your person], and if the other does not similarly yield himself in return and does not extend in return the same rights and privileges, the arrangement is one-sided.”\(^{116}\) This move is important; otherwise, the sexual relationship is akin to slave and slave-owner.

Whereas the slave-slave-owner relationship is one-sided, in terms of only one party submitting his or her person to another, the husband or wife’s subordination is redeemed by the fact that their spouse subordinates himself or herself in return. Kant also rejects polygamy on this basis. In the case of a man having two wives, each wife gives herself up wholly, but only receives half the man in return. It would be odd, you could say, if Kant literally meant that polygamous wives receive only a physical half of her husband. Rather, Kant’s objection to polygamy is that each wife only has a right to half of the husband (his time, resources, etc.) As such, those entering into matrimony are required to make a vow of total fidelity.

\(^{116}\) Ibid.
When imagining examples of sex “going wrong” in matrimony, you might think of infidelity. Infidelity is also an example of people breaking their promises. If you cheat on your spouse, you are morally blameworthy on three counts:

1. You broke your promise (i.e. vow of fidelity).
2. You merely used the sexually objectified person to whom you are not married.
3. You used your body in a way that you have no right to; it is not yours to dispose of in any way you want without your spouse’s agreement and certainly not in a non-monogamous way.

The spouse, who is cheated on, is wronged. The case of infidelity raises a number of interesting issues. For one thing, there is a question of whether infidelity is grounds for divorce. Kant argues:

The second *crimina carnis secundum naturam* is *adulterium*, which occurs only in marriage, when the marriage-vow is broken. Just as a betrothal is the greatest of pledges between two persons, lasting for life, and is therefore the most inviolable, so, of all betrayals and breaches of faith, *adulterium* is the greatest, since there is no promise more important than this. Hence, *adulterium* is also cause for divorce; another cause for it is incompatibility and dissension between the parties, whereby unity and concord of will among them is impossible.117

Elsewhere, Kant claims, “a voluntary separation cannot take place, since the union cannot be a temporary…[although], a separation can rightfully occur only in *adulterium* since one party thereby seeks to withdraw from the primal duty.”118 While matrimony constitutes a life-long commitment, Kant seems to open up the possibility for “separation” or divorce. The aforementioned may seem puzzling given Kant’s insistence on matrimony necessarily being life-

---

117 LE 27: 391.
118 LE 27: 640.
long commitment. In response, I think a comparison of general promise-keeping and marital vows is rather useful.

Promises dissolve when the promisor fails to keep his or her promise. Analogously, the vow of fidelity, understood as a promise to remain faithful, breaks when a spouse, or both, engages in extra-marital relations. Despite being seriously wronged, the promisee could choose to enter into another exchange of promises with the promisor. On Kant’s account, you should not make promises you have no intention of keeping. Otherwise, the concept of promise keeping contradicts itself. Yet, having a promise broken is always a possibility.

In the case of matrimony, Kant precludes “a voluntary separation.” Analogous to promise keeping, you should not assume marital vows if you have no intention of keeping them. The concept of matrimony dissolves, if you allow spouses to voluntarily end the contract whenever they see fit. Contrast this condition, with the death of spouse, which could legitimately end the contract. Again, like having a promise broken, having a marital vow broken is always a possibility.

Marital vows differ from other forms of promise keeping in a number of important respects. In matrimony, there is a “mutual promising” of sorts going on. The vow of fidelity, for example, is mutual in the sense that matrimony requires both parties to make an identical promise to each other. Granted, you could imagine another case where a promisee and promisor both exchange promises. For example, you might promise to clear a friend’s driveway during the cold winter months in exchange for them driving you to class; you promise to clean, they promise to drive. But marital vows require a particular kind of exchange, namely, a promise to give yourself up wholly, which is redeemed by the fact that it is totally mutual.
There is another interesting dimension, in terms of selecting your mate, and in effect, selecting the person you vow to give yourself wholly to. I think it is within this aspect of marital vows, where you fully appreciate just how tied matrimony, as a solution to the problem Kant identifies in human sexuality, is to his problematic assumptions about the essential nature of sexual impulse and its natural and therefore moral purpose.

Anyone can make a promise, and with whomever they want, regardless of sex, race, class, or physical differences. The key, for Kant, is whether the promise, itself, conflicts with duties you have to yourself, or others. Or whether what you are promising can be something that is morally endorsable. For example, a promise to have heterosexual sex with someone outside of matrimony, Kant would say puts you in clear violation of those duties.

Another case of sex potentially going wrong in matrimony is unwanted sex. The case I have in mind is when your spouse wants to have sex with you, but you do not have a desire to have sex with them. Thomas Mertens discusses this issue at length, and suggests:

The marital contract implies that sexual enjoyment can be had not only irrespective of the natural end of sexual intercourse, but also irrespective of whether “she” has desire or not. This seems to result from “lifelong consent.” Marriage is a relationship of “equality of possession, equality both in their possession of each other as persons [. . .], and also in their possession of material goods.”

Further, …Kant disregards here the truly significant moral aspect of the situation, namely, whether the rights of the woman are respected if sexual intercourse takes place “when she has no desire.” The only reason for such disregard is that for Kant the right of the woman is not violated because her rights have already been secured by the marital contract. Marriage as “the lifelong possession of each other’s sexual attributes” seems to imply that marital sex cannot become temporarily unavailable.

---


120 Ibid, 339.
The aforementioned seems to imperil the wife’s autonomy at peril. One possible solution, as Merten’s suggests, is for Kant to emphasize prior consent over current desires or their absence; however, going this route necessitates “forgoing the privileged status of heterosexual marriage.” If the spouses desires do not coincide there seems to be a basis of discord which signifies the marriage threatening incompatibility and dissention that Kant recognizes in his discussion of divorce. I now turn to what I take to be the most compelling case against the view that Kantian matrimony is necessarily a site of moral sexuality.

Even if we grant Kantian normative assumptions about gender and sexual orientation, Kant could still imagine sex going deontologically morally wrong within a marriage between two heterosexual individuals who both desire sex at the same time. In chapter one, I discussed Paul Formosa’s account of the Kantian dinner. I think it is useful to return to Formosa here to explore the case of the “gluttonous dinner guest.”

Too often, Formosa argues, Kant is read “as a proponent of a simplistic moral psychology based exclusively around a private battle between ‘inclinations’ and ‘reason’ in which the latter ought simply to subdue or even completely eliminate the former.” The meal is transformed into a context of enlightened conversation, cosmopolitan hospitality, and love and respect. The Kantian dinner, on Formosa’s account, is not just about eating for survival. If Formosa’s interpretation is correct, the view that we should satisfy our appetite for food just because not

121 Ibid, 341.


123 Ibid.
doing so threatens our physical well being over simplifies things. When shared in a social context, eating food promotes other ends, such as our desire for equal recognition from others. Perhaps the same can be said of sexuality. Matrimony, like the Kantian dinner, might transform into a context of love and mutual respect, with the benefit of sharing in each other’s delights.

Suppose George receives an invitation to a dinner party. George enjoys eating, and is rather excited about this invitation. George desires delicious food and drinks. His desire often leads to the point of overindulgence and intoxication. Yet, he derives a great deal of pleasure from consuming delicious cuisine. In fact, his main motivation for attending the dinner party is the food. While a dinner party might be a context of love and respect, Kant would find George’s motivation troublesome. He attends the dinner purely for the sake of pleasure. As I discussed at length in the first chapter, pleasure is not a reason that can be universalized. Otherwise, you could do anything just because it is pleasurable.

Analogously, I think it is possible to imagine a case of sexual gluttony within matrimony, which could be one-sided or two sided. Sexual gluttony is problematic because moral sexual activity must always aim at a higher end, which can be universalized. Otherwise it results in the debasement of sex to a sexual appetite or merely taking pleasure in the sexual attributes of others.

Kant’s objections against masturbation are also worth considering here. He argues:

_Crimina carnis contra naturam_ involve a use of the sexual impulse that is contrary to natural instinct and to animal nature; [masturbation] is a case in point. It is misuse of the sexual faculty without any object, occurring, that is, without any object the use of our sexual faculty by no means lapses, but is exercised. This obviously runs counter to the ends of humanity, and conflicts, even, with animal nature; man thereby forfeits his person, and degrades himself lower than a beast.  

---

On Kant’s account, masturbation runs counter to the ends of humanity. In his view, masturbation involves *merely using* your body to satisfy your sexual impulses. Masturbation results in the debasement of sex to animal appetites. Sexual gluttony poses the same problem, in the possibility for spouses to have sex without being motivated by some higher purpose to do so, becoming creatures motivated solely by animal desire.

One could respond, that the marital commitment is the sign that the motivation for the sexual relationship includes respect for the sexual partner to create a context within which sexuality can be enjoyed without reducing the sexual partner to an object of sexual desire. Further, the motivation for entering into the contract can never wholly consist of you seeking pleasure from your spouse.

Nonetheless, I think there is a critical distinction between the moral motivation to enter into matrimony, and moral reasons for having sex. Unfortunately, apart from reproduction, Kant does not outline what the latter reasons are, even within matrimony. Even if spouses assume complete rights over each other’s person, surely Kant would not allow spouses to have sex purely for the sake of pleasure. He might be happy for them to have pleasure as long as this is done say, for the sake of the relationship. If this is a possible distinction in theory it may be a more elusive one in practice.

Like Kant’s conception of moral friendship, moral sex may be more of an ideal than something that human beings actually achieve. Even if we are able to find other good reasons for having sex, beyond preserving the species, which are consistent with duties towards yourself and others, you could imagine sex going deontologically morally wrong within a marriage between two heterosexual individuals. As such, in actual cases the marriage license may be insufficient to guarantee moral sexual relations.
Kant’s solution to the problem of sexual objectification is a choice between total sexual abstinence and matrimony. As I have argued, matrimony may not be a sufficient solution either. As such, we have strong grounds to rethink Kant’s assumptions about the nature of sexuality itself. Kant may be wrong in thinking sexual impulse is always and only an appetite. Are there reasons to engage sexually with another person (or oneself) that do not amount to satisfying an appetite and cannibalistically consuming a human being? Kant is right to ask us to take the moral dimensions and potential harms of sexuality seriously. But the inadequacy of his solutions compels us to explore what other moral reasons there could be, besides reproduction, for human beings to include sexuality in their lives rather than repressing sexuality. To undertake this philosophical task we probably should look beyond Kant’s deontology at least the form it takes in those texts where he explicitly addresses human sexuality.
Chapter 5

Conclusion

This project has attempted to answer the question whether Kantian matrimony succeeds conceptually as a context for moral sex, from the perspective of a feminist who values Kant’s emphasis on respect for persons and rejects his homophobia. There are aspects of Kant’s expressed views on sex that I defended and others that I found intolerable. I considered whether the intolerable parts can be argued away while retaining the parts with which I agree.

The first chapter addressed Kant’s condemnation of certain sexual practices, found in Lectures On Ethics, which includes masturbation, homosexuality, and bestiality. Kant focuses a great deal of attention on what is wrong with what he identifies as the “wrong” sorts of sex. I outlined his schema of sexual immorality in this chapter. While Kant’s condemnation of homosexuality is intolerable, an appeal to the value of sex as a source of pleasure does not give us the tools to adapt Kantian matrimony to include same-sex relations. It cannot, as I argued, be convincing since it fails to take seriously Kant’s reasons for arguing that sensual or emotional motivation is morally inadequate in general.

The second chapter considered whether it is possible to adapt Kant to allow moral sex between friends. I argued it may be unrealistic or risky for unmarried friends to exclude the possibility that they are merely being used sexually by their partner. Understood as an appetite, sexual impulse conflicts with at least one core tenet of friendship: the well-wishing love for others. While this inherent tension between Kant’s conception of sexual desire and his conception of friendship calls for rethinking his account of “sexual impulse,” Kant may have
correctly identified a dimension of insecurity within friendship which matrimony is conceptually protected against.

Yet, I am not convinced, that matrimony provides the safe moral context Kant believes it should. Even if we grant Kant’s normative assumptions about gender and sexual orientation, which I called into question, Kant could still imagine sex going deontologically morally wrong within a marriage between two heterosexual individuals. This line of reasoning implies that in actual cases the marriage license may be insufficient to guarantee moral sexual relations. As with Kant’s conception of moral friendship, moral sex may be more of an ideal than something that human beings actually achieve.

Kant is right that sex often does pose a threat to human dignity, and has the potential to undermine all sorts of relationships, including friendships. However, matrimony may not be a sufficient solution either, and we have strong grounds to rethink Kant’s assumptions about the nature of sexuality itself. Is sexual impulse always and only an appetite? Are there reasons to engage sexually with another person (or oneself) that do not amount to satisfying an appetite and cannibalistically consuming a human being? Are there moral reasons, besides reproduction, for human beings to include sexuality in their lives rather than repressing sexuality? Kant is right to ask us to take the moral dimensions and potential harms of sexuality seriously. What he fails to do is to explain how we can engage with sexuality in a moral way.


