

SEXUAL USE AND WHAT TO DO ABOUT IT

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I begin by describing the hideous nature of sexuality, in virtue of which sexual desire and activity are morally suspicious, or what we have been told about the foulness of sex by Immanuel Kant.¹ I then explain, given Kant's metaphysics of sex, why sexual activity apparently conflicts with the Second Formulation of the Categorical Imperative. I propose a typology of

solutions to this problem and critically discuss recent philosophical ethics of sex that fall within the typology. I conclude with remarks about Kant's own solution.

The Nature of Sex

On Kant's view, a person who sexually desires another person objectifies the other both before and during sexual activity. Manipulation and deception (primping, padding, making a good first impression) are so common as to seem natural to human sexual interaction.² The other's body, his or her lips, thighs, buttocks, and toes, are desired as the arousing parts they are, distinct from the person. As Kant says, about the genitals,

sexuality is not an inclination which one human being has for another as such, but is an inclination for the sex of another. . . . [O]nly her sex is the object of his desires. . . . [A]ll men and women do their best to make not their human nature but their sex more alluring.³

Further, both the body and the compliant actions of the other person are tools (a means) that one uses for one's own sexual pleasure; to that extent the other person is a thing. Sexual activity itself is strange, not only by manifesting unwilled arousal and involuntary bodily movements, but also with its yearning to master, dominate, and consume the other's body. Sexual desire is a threat to the other's personhood, but the one under the spell of desire also loses hold of his or her own personhood. The person who desires another depends on the whims of that other for satisfaction, and becomes as a result a jellyfish, vulnerable to the other's demands and manipulations.⁴ Merely being sexually aroused by another person can be experienced as coercive; similarly, a person who proposes an irresistible sexual offer may be exploiting another who has been made weak by

sexual desire.⁵ Moreover, a person who willingly complies with another person's request for a sexual encounter voluntarily makes an object of himself or herself. As Kant puts it, "For the natural use that one sex makes of the other's sexual organs is *enjoyment*, for which one gives oneself up to the other. In this act a human being makes himself into a thing."⁶ And, for Kant, because those engaged in sexual activity make themselves into objects merely for the sake of sexual pleasure, both persons reduce themselves to animals. When

a man wishes to satisfy his desire, and a woman hers, they stimulate each other's desire; their inclinations meet, but their object is not human nature but sex, and each of them dishonours the human nature of the other. They make of humanity an instrument for the satisfaction of their lusts and inclinations, and dishonour it by placing it on a level with animal nature.⁷

Finally, the power of the sexual urge makes it dangerous. Sexual desire is inelastic, relentless, the passion most likely to challenge reason and cause us to experience weakness of will (*akrasia*), compelling us to seek satisfaction even when doing so involves the risks of dark-alley gropings, microbiologically filthy acts, slinking around the White House, or impetuous marriage. Sexually-motivated behavior easily destroys our self-respect.

The sexual impulse, then, is morally dubious and, to boot, a royal pain. Kant thought that humans would be delighted to be free of such promptings:

Inclinations . . . , as sources of needs, are so far from having an absolute value to make them desirable for their own sake that it must rather be the universal wish of every rational being to be wholly free from them.⁸

I am not sure that I believe all these claims about the nature of sexuality, but that is irrelevant,

because many philosophers have with good reason taken them seriously. In some moods I might reply to Kant by muttering a Woody Allen-ish joke: "Is sex an autonomy-killing, mind-numbing, subhuman passion? Yes, but only when it's good." In this essay, however, I want to examine how sexual acts could be moral, if Kant's description is right.

Sex and the Second Formulation

Michael Ruse, the well-known philosopher of biology, has explained how a moral problem arises in acting on sexual desire:

The starting point to sex is the sheer desire of a person for the body of another. One wants to feel the skin, to smell the hair, to see the eyes—one wants to bring one's own genitals into contact with those of the other. . . .

This gets dangerously close to treating the other as a means to the fulfillment of one's own sexual desire—as an object, rather than as an end.⁹

We should add, to make Ruse's observation more comprehensively Kantian, that the desire to be touched, to be thrilled by the touch of the other, to be the object of someone else's desire, is equally a "starting point" that raises the moral problem.

Because this problem arises from the intersection of Kant's view of the nature of sexuality and Kant's ethics, let us review the Second Formulation: "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end." Or "man . . . *exists* as an end in himself, *not merely as a means* for arbitrary use by this or that will: he must in all his actions, whether they are directed to himself or to other rational beings, always be viewed *at the same time as an*

end."¹⁰ The question arises: how can sexual desire be satisfied without merely using the other as an object and without treating the self as an object? How can sexual activity be planned and carried out while "at the same time" treating the other and the self as persons, treating their "humanity" as an end and confirming their autonomy and rationality? The Second Formulation directs us not to treat ourselves and others *merely* as means or objects. Permissible is treating another and ourselves as means as long as at the same time we are also treated as persons with dignity. Can this be done?

A person's providing free and informed consent to an interactions with other persons is, in general for Kant, a necessary condition for satisfying the Second Formulation. It is not sufficient. In addition, treating someone as a person includes (among other things) taking on the other's ends (if these ends are permissible) as if they were one's own ends: "the ends of a subject who is an end in himself must, if this conception is to have its *full* effect in me, be also, as far as possible, *my* ends."¹¹ I must take on the other's ends for their *own* sake, not because doing so is effective in advancing my goals. It is further required that the other can take on my ends, my purpose, in my using him or her as a means:

the man who has a mind to make a false promise to others will see at once that he is intending to make use of another man *merely as a means* to an end he does not share. For the man whom I seek to use for my own purposes by such a promise cannot possibly agree with my way of behaving to him, and so cannot himself share the end of [my] action.¹²

Given Kant's metaphysics of sexuality, can all these requirements of the Second Formulation be satisfied in sexual interaction? That is the Kantian sex problem.

It should be noted that even though Kant advances these two conditions in addition to free and informed consent—I must take on your ends, and you must take on my ends—he apparently relaxes his standard for some situations, allowing one person to use another just with the free and informed consent of the used person, as long as one allows the used person to *retain* personhood or one does *not interfere* with his or her retaining personhood. This weaker test for satisfying the Second Formulation may be important in Kant's account of the morality of work-for-hire and of sexual relations.¹³

I now proceed to display a conceptual typology of various solutions to the Kantian sex problem, and discuss critically whether solutions that occupy different logical locations in the typology conform with the Second Formulation. There are five types of solution: behavioral internalism, psychological internalism, thin externalism, thick minimalist externalism, and thick extended externalism.

Internalist Solutions

Internalist solutions to the sex problem advise us to modify the character of sexual activity so that persons engaged in it satisfy the Second Formulation. For internalists, restraints on how sexual acts are carried out, or restraints on the expression of the impulse, are required. Consent, then, is not sufficient for the morality of sexual acts, even if necessary. Note that one might fix a sexual act internally so that *qua* sexual act the act is unobjectionable, but it still might be wrong for other reasons; for example, it might be adulterous. There are two internalisms: *behavioral* internalism, according to which the physical components of sexual acts make the moral difference, and *psychological* internalism, according to which certain attitudes must be present

during sexual activity.

Behavioral Internalism

Alan Goldman defines "sexual desire" as the "desire for contact with another person's body and for the pleasure which such contact produces. . . . The desire for another's body is . . . the desire for the pleasure that physical contact brings."¹⁴ Because sexual desire is a desire for one's own pleasure, it is understandable that Goldman senses a Kantian problem. Thus Goldman writes that sexual activities "invariably involve at different stages the manipulation of one's partner for one's own pleasure" and thereby, he notes, seem to violate the Second Formulation—which, on Goldman's truncated rendition, "holds that one ought not to treat another as a means to such private ends." (In making the same point, Kant would have said "subjective," "discretionary," or "arbitrary" ends, instead of "private.") But Goldman suggests that from a Kantian perspective, "using other individuals for personal benefit," in sex or other interactions, is wrong "only when [the acts] are one-sided, when the benefits are not mutual." So, as a solution to the sex problem, Goldman proposes that

Even in an act which by its nature "objectifies" the other, one recognizes a partner as a subject with demands and desires by yielding to those desires, by allowing oneself to be a sexual object as well, by giving pleasure or ensuring that the pleasures of the act are mutual.

This sexual moral principle—make sure to provide sexual pleasure for your partner—seems plausible and at least in spirit consistent with the Second Formulation.¹⁵

But *why* might one sexually please the other? (Pleasing the other person can be done, as

Goldman recognizes, by actively doing something to the other, or by allowing the other person to treat us as an object, so that they do things to which we passively acquiesce.) One answer comes from sexual egoism or hedonism: pleasing the other is *necessary for or contributes to one's own pleasure*. How so? By inducing the other, through either the other's sexual arousal or gratitude, to furnish pleasure to oneself. Or because sexually pleasing the other satisfies one's desire to exert power or influence over the other. Or because in providing pleasure to the other we get pleasure by witnessing the effects of our exertions.¹⁶ Or by causing the other to hold us in an esteem that heightens our arousal. Or because while giving pleasure to the other person we identify with his or her arousal and pleasure, which identification increases our own arousal and pleasure.¹⁷ Or because pleasing the other alleviates or prevents guilt feelings, or doing so makes us feel good that we have kept a promise. Or . . .

Another answer is that providing pleasure to the other can *and should* be done for the sake of pleasing the other, just because you know the other person has sexual needs and desires and hopes for their satisfaction. The sexual satisfaction of the other is an end in itself, is valuable in its own right, is not merely instrumentally valuable. It follows that in some circumstances you must be willing and ready to please the other person sexually when doing so does not contribute to your own satisfaction or even runs counter to it. Kant likes to focus on this sort of scenario in the *Groundwork*, cases that single out the motive of duty or benevolence from motives based on inclination.

I categorize Goldman as a behavioral internalist because all he insists on, in order to make sexual activity Kantianly morally permissible, is the *behavior* of providing pleasure for the other person. Goldman never claims that providing pleasure be done with a benevolent *motive* or

purity of purpose. But this feature of his proposal is exactly why it fails, in its *own* terms. If providing pleasure to the other is a mechanism for attaining or improving one's own pleasure, providing pleasure to the other continues to treat the other merely as a means. Since giving pleasure to the other is instrumental in obtaining my pleasure, giving pleasure has not at all succeeded in internally *fixing* the nature of the sexual act. Providing pleasure can be a genuine internalist solution, by changing the nature of the sexual act, only if providing pleasure is an unconditional giving. Goldman's proposal thus fails to accommodate his own Kantian commitment. When Kant claims that we must treat the other as a person by taking on his or her ends as our own—by providing sexual pleasure, if that is his or her end—Kant does not mean that as a hypothetical, as if taking on the other's ends were a mechanism for getting the other person to allow us to treat him or her as a means. We must take on the other's ends as our own but not because doing so is useful for us in generating our own pleasure or achieving our own sexual goals. Sharing the ends of the other person means viewing those ends as valuable in their own right.

Further, for Kant, we may take on the ends of the other as our own only if the other's ends are themselves morally permissible: I may "make the other's ends my ends provided only that these are not immoral."¹⁸ Given the objectification and use involved in sexual activity, as conceded by Goldman, the moral permissibility of the end of seeking sexual pleasure by means of another person has not yet been established for *either* party. We are not to make the other's ends our own ends if the other's ends are not, in themselves, already morally permissible, and whether the sexual ends of the other person *are* permissible is precisely the question at issue. Thus, to be told by Goldman that it is morally permissible for one person to objectify another in

sexual activity if the other also objectifies the first, with the first's allowance, does not answer the question. Goldman's internalist solution attempts to change the nature of the sexual act, from what it is essentially to what it might be were we to embrace *slightly* better bedroom behavior, by avoiding raw selfishness. But this doesn't go far enough to fix the nature of sexual activity, if all that is required is that both parties add the giving of pleasure to an act that is by its nature, and remains, self-centered. Finally (and *perhaps* most important), Goldman ignores, in Kant's statement of the Second Formulation, that we must also respect the humanity *in one's own person*. To make oneself voluntarily an object for the sake of the other person's sexual pleasure, as Goldman recommends, only multiplies the use, does not eliminate it.

Goldman has, in effect, changed the problem from one of sexual objectification and use into one of distributive justice.¹⁹ Sex is morally permissible, on his view, if the pleasure is mutual; the way to make sexual activity moral is to make it nonmorally good for both participants. Use and objectification remain, but they are permissible, on his view, because the objectification is reciprocal and the act is mutually beneficial. Even though in one sense Goldman makes sexual activity moral by making it *more* nonmorally good, for the *other* party, he also makes sexual activity moral by making it *less* nonmorally good, for the *self*, since one's sexual urgings must be restrained. What goes morally wrong in sexual activity, for Goldman, is that only one person experiences pleasure (or lopsidedly) and only one bears the burden of providing it. This is what Goldman means by saying that "one-sided" sexual activity is immoral. The benefits of receiving pleasure, and the burdens of the restraint of seeking pleasure and providing it to the other, must be passed around to everyone involved. This is accomplished, for Goldman, by a reciprocal distribution of being used as an object.

Suppose, instead, that both parties are expected to inject *unconditional* giving into an act that is essentially self-centered. Then both parties must buckle down more formidably, in order to restrain their impulses for their own pleasure and to provide pleasure to the other. But if altruistic giving were easy, given our natures, there would be less reason for thinking, to begin with, that sexual desire tends to use the other person in a self-interested way. To the extent that the sexual impulse is self-interested, as Goldman's definitions make clear, it is implausible that sexual urges could be controlled by a moral command to provide pleasure unconditionally. The point is not only that a duty to provide pleasure unconditionally threatens the nonmoral goodness of sexual acts, that it reduces the sexual excitement and satisfaction of both persons. Fulfilling such a duty, if we assume Goldman's account of sexual desire, may be unlikely or impossible.

Psychological Internalism

If Goldman wants to fix the sexual act internally, to change its nature, he must insist not merely on our performing behaviors that produce pleasure for the other, but on our producing pleasure for a certain reason. In this way, we move from behavioral to psychological internalism, which claims that sexual acts must be accompanied and restrained by certain attitudes, the presence of which ensure the satisfaction of the Second Formulation.

At one point in her essay "Defining Wrong and Defining Rape," Jean Hampton lays out a view that is similar to Goldman's, in which the occurrence of mutual pleasure alone solves the sex problem:

when sex is as much about pleasing another as it is about pleasing oneself, it certainly doesn't involve using another as a means and actually incorporates

the idea of respect and concern for another's needs.²⁰

Providing sexual pleasure to the other person seems to Hampton to satisfy Kant's Second Formulation. But she goes beyond Goldman in attempting to understand the depth or significance of the sexual experience:

one's humanity is perhaps never more engaged than in the sexual act. But it is not only present in the experience; more important, it is "at stake" in the sense that each partner puts him/herself in a position where the behavior of the other can either confirm it or threaten it, celebrate it or abuse it.²¹

This point is Kantian: sex is metaphysically and psychologically dangerous. Hampton continues:

If this is right, then I do not see how, for most normal human beings, sexual passion is heightened if one's sexual partner behaves in a way that one finds personally humiliating or that induces in one shame or self-hatred or that makes one feel like a "thing." . . . Whatever sexual passion is, such emotions seem antithetical to it, and such emotions are markers of the disrespect that destroys the morality of the experience. . . . [W]hat makes a sexual act morally right is also what provides the groundwork for the experience of emotions and pleasures that make for "good sex."²²

If the wrongness of the act is a function of its diminishing nature, then that wrongness can be present even if, ex ante, each party consented to the sex. So . . . consent is *never by itself* that which makes a sexual act morally right. . . . Lovemaking is a set of experiences . . . which includes attitudes and

behaviors that are different in kind from the attitudes and behaviors involved in morally wrongful sex.²³

Hampton's thesis, as I understand it, is that sexual activity must be accompanied by certain humanity-affirming attitudes or emotions that manifest themselves in the sexual activity itself. Attitudes and emotions that repudiate humanity, that are disrespectful, are morally wrong and (because) destructive of mutual pleasure.²⁴ Hampton's psychological internalism seems fairly consistent with Kant's Second Formulation: for Hampton, consent may be necessary but it is not sufficient for behaving morally or respectfully toward another person sexually; giving pleasure to the other person, taking on their sexual ends, is required; and *why* the persons produce pleasure for each other is morally relevant. A paradox, however, looms here. Being willing to provide, selflessly, sexual pleasure for the other, and carrying out the appropriate acts, might not erase the fundamentally objectifying nature of sexual activity. In such acts one person makes himself the active yet selfless sexual partner of the other, and the other allows himself to be, if not relishes, being the center of such devoted sexual attention. Both people have taken Goldman's advice—make yourself a tool or an object for the other—to the limit.

There is a more serious (and non-paradoxical) problem in Hampton's position. Her view entails that at least some casual sex, in which both parties are out to satisfy their own randiness, is morally wrong, along with prostitution, because these sexual acts are not likely to be, in some robust sense, humanity-affirming. Sadomasochism would also seem to be morally wrong, on her view, because it involves what she sees as humanity-denying attitudes. Yet casual sex and prostitution, as objectifying and instrumental as they can be, and sadomasochistic sexual acts, as humiliating to one's partner as they can be, still often produce tremendous sexual excitement—

contrary to what Hampton says about the psychological coincidence of the moral and nonmoral goodness of sexual acts. She believes, as does Goldman, that morally permissible sex involves mutual sexual pleasing, that the morality of sexual activity then depends in part on its nonmoral goodness and, further, that disrespectful attitudes destroy this mutual pleasure. Here, finally, is the problem: Are disrespectful attitudes morally wrong exactly because they destroy the other's sexual pleasure or simply because they are disrespectful? Ask this question in the context of Hampton's assessment of sadomasochism. If her argument is that disrespectful attitudes that occur during sexual encounters are morally wrong simply because they are disrespectful, sadomasochistic sexual activities are morally wrong even if they do, *contra* Hampton's intuition, produce pleasure for the participants. (In this case, Hampton may be better understood as what I later call an "externalist.") But if her argument is that disrespectful attitudes are wrong because or when they destroy the mutuality of the pleasure, then sadomasochism does not turn out to be morally wrong. (In this case, Hampton remains an internalist.)

Perhaps Hampton means that sexual activity is morally permissible only when it is *both* mutually pleasure-producing *and* incorporates humanity-affirming attitudes. This dual test for the morality of sexual encounters prohibits casual sex between strangers, prostitution, as well as sadomasochistic sexuality, no matter how sexually satisfying these activities are. In Hampton's essay, however, I could find no clear criterion of "humanity-affirming" other than "provides mutual pleasure." This is why she has trouble denying the permissibility of sadomasochism. Consider the lesbian sadomasochist Pat Califia on sadomasochism: "The things that seem beautiful, inspiring, and life-affirming to me seem ugly, hateful, and ludicrous to most other people."²⁵ As far as I can tell, Califia means "provides sexual pleasure" by "life-affirming." If so,

no disagreement in principle exists between Hampton and Califia, if Hampton means "provides pleasure" by "humanity-affirming." What Hampton does not take seriously is Califia's point that brutal behaviors and humiliating attitudes that occur during sexual activity can make for mutually exciting and pleasurable sex.

Externalist Solutions

According to *externalism*, morality requires that we place restraints on when sexual acts are engaged in, with whom sexual activity occurs, or on the conditions in which sexual activities are performed. Properly setting the background context in which sexual acts occur enables us to satisfy the Second Formulation. One distinction among externalisms is that between *minimalist* externalism, which claims that morality requires that only the context of sexual activity be set, while the sexual acts may be whatever they turn out to be, and *extended* externalism, which claims that setting the context will also affect the character of the sexual acts. Another distinction among externalisms is that between *thin* externalism, according to which free and informed consent is both necessary and sufficient for the moral permissibility of sexual acts (with a trivial *ceteris paribus* clause), and *thick* externalism, which claims that something beyond consent is required for the morality of sexual activity.

Thin Externalism

Thomas Mappes argues that only weak contextual constraints are required for satisfying Kantian worries about sexual activity.²⁶ The giving of free and informed consent by the persons involved in a sexual encounter is both necessary and sufficient for the morality of their sexual activity, for

making permissible the sexual use of one person by another person.²⁷ Consent is not sufficient for the morality of sexual acts *simpliciter*, because even though a sexual act might be morally permissible *qua* sexual act, it still might be, for example, adulterous. Mappes's position is a thin minimalist externalism. Indeed, thin externalism, defined as making consent both necessary and sufficient, must also be minimalist. This criterion of the morality of sexual activity is contentless, or fully procedural: it does not evaluate the form or the nature of the sexual act (what body parts are involved; in what manner the acts are carried out), but only the antecedent and concurrent conditions or context in which the sexual act takes place. In principle, the acts engaged in need not even produce pleasure, mutual or otherwise, for the participants, an implication that differs from Goldman's behavioral internalism.

Mappes, while developing his theory of sexual ethics, begins by repeating a point made frequently about Kantian ethics:

According to a fundamental Kantian principle, it is morally wrong for A to use B *merely as a means* (to achieve A's ends). Kant's principle does not rule out A using B as a means, only A using B *merely as a means*, that is, in a way incompatible with respect for B as a person.

Then Mappes lays out his central thesis:

A immorally uses B if and only if A intentionally acts in a way that violates the requirement that B's involvement with A's ends be based on B's voluntary informed consent.

For Mappes, the presence of free and informed consent—there is no deception and no coercive force or threats—satisfies the Second Formulation, because each person's providing consent

ensures that the persons involved in sexual activity with each other are not *merely* or *wrongfully* using each other as means. Mappes intends that this principle be applied to any activity, whether sexual or otherwise; he believes, along with Goldman, that sexual activity should be governed by moral principles that apply in general to human behavior.

Mappes spends almost all his essay discussing various situations that might, or might not, involve violating the free and informed consent criterion. He discusses which acts are deceptive, coercive (by force or threat), or exploitative; sexual activity made possible by such maneuvers are morally wrong. Some of these cases are intriguing, as anyone familiar with the literature on the meaning and application of the free and informed consent criterion in the area of medical ethics knows. But, putting aside for now the important question of the sufficiency of consent, not everyone agrees that in sexual (or other) contexts free and informed consent is absolutely necessary. Jeffrie Murphy, for one, has raised some doubts:

"Have sex with me or I will find another girlfriend" strikes me (assuming normal circumstances) as a morally permissible threat, and "Have sex with me and I will marry you" strikes me (assuming the offer is genuine) as a morally permissible offer. . . . We negotiate our way through most of life with schemes of threats and offers . . . and I see no reason why the realm of sexuality should be utterly insulated from this very normal way of being human.²⁸

Both "Have sex with me or I will find another girlfriend" and "Marry me or I will never sleep with you again (or at all)" seem to be coercive yet permissible threats.²⁹ Sexual activity obtained by the employment of these coercions seems to involve immoral use, on Mappes's criterion.

Further, it is not difficult to imagine circumstances in which deception in sexual contexts is not morally wrong (even if we ignore the universal practice of the deceptive use of cosmetics and clothing). Mappes claims that my *withholding* information from you, information that would influence your decision as to whether to have sexual relations with me, is deception that makes any subsequent sexual activity between us morally wrong. If I withhold the fact that I have an extraordinarily large or minuscule penis, and withholding that fact about my sexual anatomy plays a role in your eventually agreeing to engage in sex with me, it is not obviously true that my obtaining sex through this particular deception-by-omission is morally wrong. I suspect that such cases tend to show that we cannot rely comprehensively on a consent criterion to answer all our pressing questions about sexual morality. Does the other person have a *right* to know the size of my penis while deliberating whether to have sex with me? What types of coercive threat do we have a *right* to employ in trying to achieve our goals? These significant questions cannot be answered by a free and informed consent criterion; they also suggest that reading the Second Formulation such that consent by itself can satisfy the Second Formulation is questionable.

Mappes provides little reason for countenancing his unKantian notion that the presence of free and informed consent is a sufficient condition for satisfying the Second Formulation, that is, for not treating another person merely as a means or not wrongfully using him or her. He does write that "respect for persons entails that each of us recognize the rightful authority of other persons (as rational beings) to conduct their individual lives as they see fit," which suggests the following kind of argument: Allowing the other's consent to control when the other may be used for my sexual ends is to respect that person by taking his or her autonomy, his or her ability to reason and make choices, seriously, while not to allow the other to make the decision about

when to be used for my sexual ends is disrespectfully paternalistic. If the other's consent is granted sufficiency, that shows that I respect his or her choice of ends; or that even if I do not respect his or her particular choice of ends, at least I thereby show respect for his or her ends-making capacity or for his or her being a self-determining agent. Further, taking the other's consent as sufficient can be a way of taking on his or her sexual ends as my own ends, as well as his or her taking on my sexual ends in my proposing to use him or her. According to such an argument, perhaps the best way to read Kant's Second Formulation is as a pronouncement of moral libertarianism, or a quasi-libertarianism that also, as Mappes does, pays attention to situations that are ripe for exploitation.³⁰

Even if the argument makes Kantian sense, Mappes's sexual principle seems to miss the point. The Kantian problem about sexuality is not, or is not only, that one person might make false promises, engage in deception, or employ force or threats against another person in order to gain sex. The problem of the objectification and use of both the self and the other arises for Kant even when, or especially when, both persons give perfectly free and informed consent. Thin externalism does not get to the heart of *this* problem. Perhaps no liberal philosophy that borders on moral libertarianism could even sense it as a problem; at any rate, no minimalist externalism could. The only sexual objectification that Mappes considers in his essay is that which arises with coercion, most dramatically in rape. Nothing in his essay deals with what Kant and other philosophers discern as the intrinsically objectifying nature of sexuality itself. As Goldman does, Mappes assimilates sexual activity to all other human activities, all of which are or should be governed by the same moral principles. Whether Mappes's proposal works will depend, then, in part on whether sex is not so different from other joint human activities that free and informed

consent is not too weak a criterion in this area of life.

It is an interesting question why free and informed consent does not, for Kant, solve the sex problem. It seems so obvious to many today that Mappes's consent criterion solves the sex problem that we wonder what Kant was up to in his metaphysical critique of sexuality. Kant's rejection of Mappes's solution suggests that Kant perceived deeper problems in sexual desire and activity than Mappes and Goldman acknowledge. In *Lectures on Ethics*, Kant apparently accepts a Mappesian consent criterion regarding work-for-hire, but rejects it for sexual activity:

Man [may], of course, use another human being as an instrument for his services; he [may] use his hands, his feet, and even all his powers; he [may] use him for his own purposes with the other's consent. But there is no way in which a human being can be made an Object of indulgence for another except through sexual impulse.³¹

For Kant, it seems that using another person in a work-for-hire situation is permissible, just with free and informed consent, as long as one does not undermine or deny the worker's humanity in any other way. But Kant finds something problematic about sexual interaction that does not exist during, say, a tennis game between two people or in a work-for-hire situation, while Mappes sees no moral difference between playing tennis with someone and playing with their genitals. This disagreement between philosophers who view sexual activity as something or as somehow special, and philosophers who lump all human interactions together, requires further thought.

Thick Externalism

Thick externalism claims that more stringent contextual constraints, beyond free and informed

consent, are required for the morality of sexual activity. My central example is Martha Nussbaum's essay "Objectification," in which she submits that the Kantian sex problem is solved if sexual activity is confined to the context of an abiding, mutually respectful, and mutually regarding relationship. However, Nussbaum advances both a thick minimalist externalism and a thick extended externalism. That is, in her long and complex essay we find at least two theses: (1) a background context of an abiding, mutually respectful relationship makes noxious objectification during sexual activity morally *permissible*; and (2) a background context of an abiding, mutually respectful relationship turns what might have been noxious objectification into something *good* or even "wonderful," a valuable type of objectification in which autonomy is happily abandoned, a thesis she derives from her reading of D. H. Lawrence.

Thick Minimalist Externalism

In several passages, Nussbaum proposes a thick minimalist externalism, according to which sexual objectification is morally permissible in the context of an abiding, mutually respectful relationship. Consider this modest statement of her general thesis:

If I am lying around with my lover on the bed, and use his stomach as a pillow, there seems to be nothing at all baneful about this [instrumental objectification], provided that I do so with his consent . . . and without causing him pain, provided, as well, that I do so in the context of a relationship in which he is generally treated as more than a pillow. This suggests that what is problematic is not instrumentalization per se but treating someone *primarily* or *merely* as an instrument [for example, as a pillow]. The

overall context of the relationship thus becomes fundamental.³²

We can modify this passage so that Nussbaum's general point about permissible instrumental objectification-in-context can be applied more directly to the Kantian sex problem:

If I am lying around with my lover on the bed, and use his penis for my sexual satisfaction, there seems to be nothing at all baneful about this instrumental objectification, provided that I do so with his consent . . . and without causing him [unwanted] pain, provided, as well, that I do so in the context of a relationship in which he is generally treated as more than a penis.

This suggests that what is problematic is not instrumentalization per se but treating someone *primarily* or *merely* as an instrument [for example, as a penis]. The overall context of the relationship thus becomes fundamental.

Other passages in Nussbaum's essay also express her thick minimalist externalism: "where there is a loss in subjectivity in the moment of lovemaking, this can be and frequently is accompanied by an intense concern for the subjectivity of the partner *at other moments*."³³ Again: "When there is a loss of autonomy in sex, the context . . . can be . . . one in which, on the whole, autonomy is respected and promoted"³⁴ And "denial of autonomy and denial of subjectivity are objectionable if they persist throughout an adult relationship, but *as phases* in a relationship characterized by mutual regard they can be all right, or even quite wonderful."³⁵

One of Nussbaum's theses, then, is that a loss of autonomy, subjectivity, and individuality in sex, and the reduction of a person to his or her sexual body or its parts, in which the person is or becomes a tool or object, are morally acceptable if they occur within the background context of a psychologically healthy and morally sound relationship, an abiding relationship in which

one's personhood—one's autonomy, subjectivity, and individuality—is generally acknowledged and respected. This solution to the sex problem seems plausible. It confirms the common (even if sexually conservative) intuition that one difference between morally permissible sexual acts and those that are wrongful because they are merely mutual use is the difference between sexual acts that occur in the context of a loving or caring relationship and those that occur in the absence of love, mutual care, or concern. Further, it appeals to our willingness to tolerate, exculpate, or bless (as the partners' own private business) whatever nastiness that occurs in bed between two people *as long as* the rest, and the larger segment, of their relationship is morally sound. The lovers may sometimes engage in objectifying sexual games, by role-playing boss and secretary, client and prostitute, or teacher and student (phases of their relationship in which autonomy, subjectivity, and individuality might be sacrificed), since *outside* these occasional sexual games, they do display respect for each other and abidingly support each other's humanity.

But this solution to the sex problem is inconsistent with Kant's Second Formulation, for that moral principle requires that a person be treated as an end *at the same time* he or she is being treated as a means. On Nussbaum's thick minimalist externalism, small, sexually vulgar chunks of a couple's relationship, small pieces of noxious sexual objectification, are morally permissible in virtue of the larger or more frequent heavenly chunks of mutual respect that comprise their relationship. But it is not, in general, right (except, perhaps, for some utilitarians) that my treating you badly today is either *justified* or *excusable* if I treated you admirably the whole day yesterday and will treat you more superbly tomorrow and the next day. As Nussbaum acknowledges, Kant insists that we ought not to treat someone *merely* as means, instrumentally, or as an object, but by that qualification Kant does not mean that treating someone as a means,

instrumentally, or as an object at *some* particular time is morally permissible as long as he or she is treated with respect as a full person at *other* particular times.³⁶ That Nussbaum's thick minimalist externalist solution to Kant's sex problem violates the Second Formulation in this way is not the fault of the details of her account of the proper background context; the problem arises whether the background context is postulated to be one of abiding mutual respect and regard, or love, or marriage, or something else. Any version of thick minimalist externalism violates Kant's prescription that someone who is treated as a means must be treated *at the same time* as an end. Thick minimalist externalism fails because, unlike behavioral or psychological internalism, it makes no attempt to improve or fix the nature of sexual activity itself. It leaves sexual activity exactly as it was or would be, as essentially objectifying or instrumental, although it claims that even when having this character, it is morally permissible.

Thick Extended Externalism

Thick extended externalism tries to have it both ways: to justify sexual activity when it occurs within the proper context *and* to fix the nature of the sexual acts that occur in that context. So Nussbaum's second proposal would seem to stand a better chance of conforming with the Second Formulation. In explaining the thesis that sexual objectification can be a wonderful or good thing in the proper context, Nussbaum says that in Lawrence's *Lady Chatterley's Lover*,

both parties put aside their individuality and become identified with their bodily organs. They see one another in terms of those organs. And yet Kant's suggestion that in all such focusing on parts there is denial of humanity seems quite wrong. . . . The intense focusing of attention on the bodily parts

seems an *addition*, rather than a subtraction.³⁷

Nussbaum means that being reduced to one's body or its parts is an addition to one's personhood, not a subtraction from it, *as long as* the background context of an abiding, mutually respectful relationship exists, as she assumes it did between Constance Chatterley and Oliver Mellors.

Nussbaum is claiming that sexual objectification, the reduction of a person to his or her flesh, and the loss of individuality and autonomy in sexual activity, can be a wonderful or good aspect of life and sexuality. Being reduced to one's flesh, to one's genitals, supplements, or is an expansion or extension of, one's humanity, as long as it happens in a psychologically healthy and morally sound relationship.

Nussbaum goes so far in this reasoning as to make the astonishing assertion that "In Lawrence, being treated as a cunt is a permission to expand the sphere of one's activity and fulfillment."³⁸ In the ablutionary context of an abiding relationship of mutual respect, it is permissible and good for persons to descend fully to the level of their bodies, to become "cock" and "cunt," to become identified with their genitals, because in the rest of the relationship they are treated as *whole* persons. Or, more precisely, the addition of the objectification of being sexually reduced to their flesh *makes* their personhoods whole (it is, as Nussbaum writes, not a "subtraction"), as if without such a descent into their flesh they would remain partial, incomplete persons. This is suggested when Nussbaum writes, "Lawrence shows how a kind of sexual objectification . . . , how the very surrender of autonomy in a certain sort of sex act can free energies that can be used to make the self *whole and full*."³⁹ I suppose it is a metaphysical truth that to be whole and full, I must realize all my potentials. But some of my potential, it is not unreasonable to think, should not be realized, just because it would be immoral or stupid to do

so. Shall I, a professor of philosophy, fulfill my humanity by standing on street corners in the Bronx and try homosexual tricking? I may supplement or try to attain the fullness of my humanity only in ways that are moral. Whether adding to my personhood the identification of myself with my genitals is moral is precisely the question at issue. Merely because reducing myself to my genitals is an "expansion" of myself and of my "sphere of . . . activity" does little to justify it.

In any event, one implication of Nussbaum's requirement of a background context of an abiding, mutually respectful relationship worries me, whether this background context is part of a thick minimalist or a thick extended externalism: casual sex turns out to be morally wrong. In the sexual activity that transpires between strangers or between those who do not have much or any mutual regard for each other, sexual objectification and instrumentalization make those sexual acts wrong, because there is no background context of the requisite sort that would either justify the sexual objectification or transform it into something good. Casual sex is a descent to the level of the genitals with nothing for the persons to hang on to, nothing that would allow them to pull themselves back up to personhood when their sexual encounter is over. (This is, in effect, what Kant claims about prostitution and concubinage.)⁴⁰ Nussbaum explicitly states this sexually conservative trend in her thought, and does not seem to consider it a weakness or defect of her account. Sounding like Kant, she writes:

For in the absence of any narrative history with the person, how can desire attend to anything else but the incidental, and how can one do more than use the body of the other as a tool of one's own states? . . . Can one really treat someone with . . . respect and concern . . . if one has sex with him in the

anonymous spirit? . . . [T]he instrumental treatment of human beings, the treatment of human beings as tools of the purposes of another, is always morally problematic; if it does not take place in a larger context of regard for humanity, it is a central form of the morally objectionable.⁴¹

Now, it is one thing to point out that Nussbaum's thick externalism is inimical to casual sex, or sex in the "anonymous spirit," for many would agree with her. Yet there is another point to be made. If noxious sexual objectification is permissible or made into something good only in the context of an abiding, mutually respectful relationship, then it is morally impermissible to engage in sexual activity in getting a relationship *underway*. The two persons may not engage in sexual activity early in their acquaintance, before they know whether they will come to have such an abiding and respectful relationship, because the sexual objectification of that premature sex could not be redeemed or cleansed; the requisite background context is missing. But, as some of us know, engaging in sexual activity, even when the persons do not know each other very well, often reveals to them important information about whether to pursue a relationship, whether to attempt to ascend to the abiding level. This is another aspect of Nussbaum's conservative turn: the persons must *first* have that abiding, mutually respectful relationship before engaging in sexual activity. It would be unconvincing to argue, in response, that sexual objectification in the early stages of their relationship is morally permissible, after all, because that sexual activity might contribute to the formation of an abiding, mutually respectful and regarding relationship that does succeed, later, in eliminating or cleansing the sexual objectification of the couple's sexual activity. That argument simply repeats in another form the dubious claim that morally bad phases or segments of a relationship are justified or excused in

virtue of the larger or more frequent morally good segments of that relationship.

A similar problem arises in Nussbaum's discussion of sadomasochism. In response to her own question, "can sadomasochistic sexual acts ever have a simply Lawrentian character, rather than a more sinister character?" she replies:

There seems to be no . . . reason why the answer . . . cannot be "yes." I have no very clear intuitions on this point, . . . but it would seem that some narrative depictions of sadomasochistic activity do plausibly attribute to its consensual form a kind of Lawrentian character in which the willingness to be vulnerable to the infliction of pain . . . manifests a more complete trust and receptivity than could be found in other sexual acts. Pat Califia's . . . short story ["Jessie"] is one example of such a portrayal.⁴²

This is unconvincing. (It also sounds more like a Hamptonian psychological internalism than a thick externalism.) Califia describes in this lesbian sadomasochistic short story a first sexual encounter between two *strangers*, women, who meet at a party, an encounter about which neither knows in advance whether it will lead to a narrative history or an abiding relationship between them. In the sexual encounter described by Califia, there is no background context of an abiding, let alone mutually respectful, relationship. This means that the nature of their sexual activity *as sadomasochism* is irrelevant; the main point is that each woman, as a stranger to the other, must, on Nussbaum's own account, be merely using each other in the "anonymous spirit." Something Califia writes in "Jessie" makes a mockery of Nussbaum's proposal:

I hardly know you—I don't know if you play piano, I don't know what kind of business it is you run, I don't know your shoe size—but I know you better

than anyone else in the world.⁴³

If Nussbaum wants to justify sadomasochistic sexual acts, she must say that, *in the context of an abiding, mutually regarding and respectful relationship*, either (1) sadomasochistic sexuality is permissible, no matter how humiliating or brutal the acts are to the participants (thick minimalist externalism), or (2) sadomasochistic sexuality is permissible because, in this background context, it can be a good or wonderful thing, an expansion of the couple's humanity (thick expanded externalism).

Kant's Solution

To provoke the reader's curiosity about Kant, I conclude with some preliminary remarks about Kant's solution to the sex problem.⁴⁴

Kant argues in both the earlier *Lectures on Ethics* and the later *Metaphysics of Morals* that sexual activity is morally permissible only within a heterosexual, lifelong, and monogamous legal marriage. Hence Kant advances a thick externalism. (I will suggest that his externalism is minimalist.) Kant barely argues in these texts, or argues weakly, that marriage must be lifelong and heterosexual.⁴⁵ But Kant's argument that the only permissible sexual activity is married sexual activity is distinctive and presented forcefully. In the *Metaphysics of Morals*, he writes:

There is only one condition under which this is possible: that while one person is acquired by the other *as if it were a thing*, the one who is acquired acquires the other in turn; for in this way each reclaims itself and restores its personality. But acquiring a member of a human being [i.e., access to or possession of the other's genitals and associated sexual capacities] is at the

same time acquiring the whole person, since a person is an absolute unity.

Hence it is not only admissible for the sexes to surrender and to accept each other for enjoyment under the condition of marriage, but it is possible for them to do so *only* under this condition.⁴⁶

Sexual activity, with its essential sexual objectification, is morally permissible only in marriage, because only in marriage can each of the persons engage in sexual activity *without losing* their own personhood or humanity. In a Kantian marriage, each person is "acquired" by the other person (along with his or her genitals and sexual capacities) as if he or she were an object, and hence, by being acquired, loses his or her humanity (autonomy, individuality). But because the acquisition in marriage is reciprocal, each person *regains* his or her personhood (and hence does not lose it, after all). When I "surrender" myself to you, and you thereby acquire me, but you also "surrender" yourself to me, and I thereby acquire you, which "you" includes the "me" that you have acquired, we each surrender but then re-acquire ourselves. (I think this means that "I do" must be said simultaneously.)

There are many puzzles in Kant's solution. One is that Kant does not explicitly state in laying out his solution that through such a reciprocal surrender and acquisition the persons in some robust sense treat each other as persons or acknowledge each other's humanity as an end, in bed or otherwise. That is, after laying out his relentless criticism of sexual desire and activity, Kant never poses the question, "How might two people, married or not, treat themselves and each other as persons during sexual activity?" Kant is notorious for being stingy with examples, but why here? In fact, in only one place could I find, in a footnote in *Metaphysics of Morals*, Kant using the language of the Second Formulation to speak about marriage:

if I say "my wife," this signifies a special, namely a rightful, relation of the possessor to an object as a *thing* (even though the object is also a person). Possession (*physical* possession), however, is the condition of being able to *manage* . . . something as a thing, even if this must, in another respect, be treated at the same time as a person.⁴⁷

But in neither the footnote nor the text does Kant explain what "in another respect" being treated as a person amounts to. The language of the Second Formulation is plainly here, including the crucial "at the same time," but not its substance. Further, in the text, Kant refrains from using the language of the Second Formulation:

What is one's own here does not . . . mean what is one's own in the sense of property in the person of another (for a human being cannot have property in himself, much less in another person), but means what is one's own in the sense of usufruct . . . to make direct use of a person *as of* a thing, as a means to my end, but still *without infringing* upon his personality.⁴⁸

It is permissible in *some* contexts to use another person as a means or treat as an object, merely with the other's free and informed consent, as long as one does not violate the humanity of the other in some other way, as long as one allows him or her otherwise to retain intact his or her personhood. The reciprocal surrender and acquisition of Kantian marriage, which involves a contractual free and informed agreement to exchange selves, *prevents* this (possibly extra) denial or loss of personhood. But this moral principle is far removed from the Second Formulation as Kant usually articulates it.

Kant's externalism, I submit, is minimalist: the objectification and instrumentality that

attach to sexuality remain even in marital sexual activity. Hence not even Kant abides by the "at the same time" requirement of the Second Formulation in his solution to the sex problem.

Nussbaum seems to recognize Kant's minimalism when she writes, "sexual desire, according to his analysis, drives out every possibility of respect. This is so even in marriage."⁴⁹ Raymond Belliotti finds, instead, thick extended externalism in Kant:

Kant suggests that two people can efface the wrongful commodification inherent in sex and thereby redeem their own humanity only by mutually exchanging "rights to their whole person." The *implication* is that a deep, abiding relationship of the requisite sort ensures that sexual activity is not separated from personal interaction which honors individual dignity.⁵⁰

But the "implication" is something Belliotti illicitly reads into Kant's texts. Kant no where says that in marriage, which is for him a contractual relationship characterized by mutual acquisition of persons as if they were objects (hardly a "deep, abiding relationship"), sexual activity "honors individual dignity." Belliotti reads Kant as if Kant were Nussbaum. When Kant asserts in the *Metaphysics* that sexual activity is permissible only in marriage, he speaks about the *acquisition* or *possession* of the other person by each spouse, and never mentions benevolence, altruism, or love. For similar reasons, Robert Baker and Frederick Elliston's view must be rejected. They claim that, according to Kant, "marriage transubstantiates immoral sexual intercourse into morally permissible human copulation by transforming a manipulative masturbatory relationship into one of altruistic unity."⁵¹ But Kant never says anything about "altruism" in his account of marriage or of sex in marriage; no where does he claim that married persons come to treat each other as ends and respect their humanity in sexual activity by unconditionally providing sexual

pleasure for each other. Indeed, Kant writes in the *Metaphysics* that "benevolence . . . deter[s] one from carnal enjoyment."⁵² Further, both these readings of Kant are insensitive to the sharp contrast between Kant's glowing account of male friendship, in the *Lectures* and the *Metaphysics*, as a morally exemplary and fulfilling balance of love and respect, and Kant's dry account of heterosexual marriage, which makes marriage look like a continuation, or culmination, of the battle of the sexes. Kant never says about marriage anything close to this: "Friendship . . . is the union of two persons through equal mutual love and respect. . . . [E]ach participat[es] and shar[es] sympathetically in the other's well-being through the morally good will that unites them."⁵³

Of course, the virtue of Belliotti's reading, and that of Baker and Elliston, is that if sexual activity can indeed be imbued with Kantian respect or "altruism," then the "at the same time" requirement of the Second Formulation is satisfied. But there is good evidence that Kant's own view is minimalist. When Kant writes in the *Lectures* that

If . . . a man wishes to satisfy his desire, and a woman hers, they stimulate each other's desire; their inclinations meet, but their object is not human nature but sex, and each of them dishonours the human nature of the other. They make of humanity an instrument for the satisfaction of their lusts and inclinations, and dishonour it by placing it on a level with animal nature.⁵⁴

he intends this description to apply to sexual activity even in marriage, and not only to casual sex, prostitution, or concubinage. This point is confirmed by Kant's letter to C. G. Schütz, who had written to Kant to complain about Kant's similar treatment of sexuality in the later *Metaphysics*. To this objection offered by Schütz, "You cannot really believe that a man makes

an object of a woman just by engaging in marital cohabitation with her, and vice versa," Kant concisely replies: "if the cohabitation is assumed to be *marital*, that is, *lawful*, . . . the authorization is already contained in the concept."⁵⁵ Note that Kant does not deny that objectification still occurs in marital sex; he simply says it is permissible, or authorized. Schütz makes the point another way: "married people do not become *res fungibiles* just by sleeping together," to which Kant replies: "An enjoyment of this sort involves at once the thought of this person as merely *functional*, and that in fact is what the reciprocal use of each other's sexual organs by two people *is*."⁵⁶

Further, that marriage is designed and defined by Kant to be only about sexuality, about having access to the other person's sexual capacities and sexual body parts—for enjoyment or pleasure, not necessarily for reproduction—also suggests that his solution is minimalist. Consider Kant's definition of marriage in the *Metaphysics*: "Sexual union in accordance with principle is *marriage (matrimonium)*, that is, the union of two persons of different sexes for lifelong possession of each other's sexual attributes."⁵⁷ There is no suggestion in this definition of marriage that Belliottian human, individual dignity will make its way into marital sexual activity (quite the contrary). Howard Williams tartly comments, about Kant's notion of marriage, that "sex, for Kant, seems simply to be a form of mutual exploitation for which one must pay the price of marriage. He represents sex as a commodity which ought only to be bought and sold for life in the marriage contract."⁵⁸ If sexual activity in marriage is, for Kant, a commodity, it has hardly been cleansed of its essentially objectionable qualities. Kant's view of marriage has much in common with St. Paul's (see 1 Cor. 7; *Metaphysics*, 179-80), in which each person has power over the body of the other spouse, and each spouse has a "conjugal debt" to engage in sexual

activity with the other nearly on demand. That marriage is defined by Kant to be only about access to sex is what is astounding, even incomprehensible, to the contemporary mind, and may explain why modern philosophers are quick to attribute to Kant more congenial solutions to the sex problem.

Finally, a commonly neglected aspect of the Second Formulation, that one must *also* treat the humanity in one's own person as an end, is important in understanding Kant's solution to the sex problem. Duties to self are important for Kant, a fact overlooked by those philosophers (e.g., Mappes and Goldman) who emphasize its treat-the-other-as-an-end part. Notice the prominence of Kant's discussion of the duties to self in the *Lectures*. They are elaborately discussed early in the text, well before Kant discusses moral duties to others, and Kant in the *Lectures* launches into his treatment of sexuality immediately after he concludes his account of duties to self in general and before he, finally, gets around to duties to others. Allen Wood is one commentator on Kant who gets this right:

[Kant] thinks sexual intercourse is "a degradation of humanity" because it is an act in which "people *make themselves* into an object of enjoyment, and hence into a thing" (VE 27:346). He regards sex as permissible only within marriage, and even there it is in itself "a merely animal union" (MS 6:425).⁵⁹

Kant makes it clear that a duty to treat the humanity in one's own person as an end is his primary concern in restricting sexual activity to marriage:

there ar[ises] from one's duty to oneself, that is, to the humanity in one's own person, a right (*ius personale*) of both sexes to acquire each other as persons *in the manner of things* by marriage.⁶⁰

For Kant, then, the crux of the argument about sex and marriage does not turn on a duty to avoid sexually objectifying the other, but to avoid the sexual objectification of the self. It would be an ironic reading of Kant to say that he claims that *my right to use you* in sexual activity in marriage arises from *my duty to myself*. What Kant is saying, without irony, is that as a result of the duty toward myself, I cannot enter into sexual relations with you unless I preserve my personhood; you, likewise, cannot enter into sexual relations with me unless you are able to preserve your personhood. Each of us can accomplish that goal only by mutual surrender and acquisition, the exchange of rights to our persons, genitals, and sexual capacities that constitutes marriage. It is not the right to use you sexually that is my goal, although I do gain that right. My goal is to preserve my own personhood in the face of the essentially objectifying nature of sexuality. But preserving my own personhood, as admirable as that might be, is not the same thing as treating you with dignity (or altruism) during marital sexual activity. Kant has still done nothing to accomplish that. Nor was that his intention.

Metaphilosophical Finale

Howard Williams has made a shrewd observation about Kant's solution to the sex problem:

[A]n important premiss of Kant's argument is that sexual relations necessarily involve treating oneself and one's partner as things. . . . [T]o demonstrate convincingly that marriage is the only ethically desirable context for sex, Kant ought to start from better premisses than these.⁶¹

Let me explain what is interesting here. Bernard Baumrin argues that if we want to justify sexual activity *at all*, we should start our philosophizing by conceding the worst: "I begin . . . by

admitting the most damaging facts . . . that any theory of sexual morality must countenance," viz., that "human sexual interaction is essentially manipulative—physically, psychologically, emotionally, and even intellectually."⁶² Starting with premises about sexuality any less ugly or more optimistic would make justifying sexual activity too easy. Williams's point is that if we want to justify the specific claim that sex is *permissible only in marriage*, starting with Kantian premises about the nature of sex makes *that* task too easy. If sex is in its essence wholesome, or if, as in Mappes and Goldman, sexual activity does not significantly differ from other activities that involve human interaction, then it becomes easier both to justify sexual activity and to justify sex outside of marriage. Those, including many Christian philosophers and theologians, who assume the worst about sexuality to begin with, gain an advantage in defending the view that sexuality must be restricted to matrimony.⁶³ This tactic is copied in a milder way by Nussbaum and Hampton, who reject casual sex. The convincing intellectual trick would be to assume the *best* about sex, that it is by its nature wholesome, and then argue, *anyway*, that it should be restricted to lifelong, monogamous matrimony and that casual sex is morally wrong. Perhaps the liberals Baumrin and Goldman are trying to pull off the reverse trick, in that they admit the worst about sexuality and still come out with a permissive sexual morality. But in admitting the worst, how do they avoid concluding, with Kant, that sexual activity is permissible only in the restrictive conditions of marriage? Perhaps they succeed, or think they do, only by reading the Second Formulation in a very narrow or easily satisfied way.⁶⁴

Appendix

1. I begin by suggesting that Joshua Schulz could have done a better job with his

references and sources. This complaint, I argue, is not to pick nits. One book that Schulz draws on is my edited collection *The Philosophy of Sex: Contemporary Readings* (Rowman and Littlefield). But the edition he uses is the ancient first edition from 1980; in 2002 the book came out in its 4th edition. Schulz's essay would have been more reader-friendly had he employed the 4th edition, for it contains in one convenient place material that Schulz refers to in his article, including the essays by Alan Goldman, Thomas Mappes, and Martha Nussbaum, in addition to a chunk of Kant's *Vorlesung (Lectures on Ethics)*, in which Kant lays out his dramatic views about sexuality. The 4th edition of *Philosophy of Sex* also contains a revised and expanded version of the essay I originally published in *Essays in Philosophy* in 2001 ("Sexual Use") and to which Schulz replies. Schulz's discussion of my views, and the views of the philosophers I discuss in my essay, would have benefited from his focusing on this revision. We have two reasons, so far, for worrying about Schulz's bibliographic procedures. Further, the 4th edition of *Philosophy of Sex* includes Irving Singer's "The Morality of Sex: Contra Kant" (reprinted from his *Explorations in Love and Sex* [Lanham, Md.: Rowman and Littlefield, 2002], pp. 1-20), which provides that which Schulz seeks in his essay (and, I will argue, never attains)—a "wholesome" or "optimistic" account of sexuality. It is also a piece that approaches sexual desire and activity in a way much different from Kant.

There are other bibliographic curiosities in Schulz's essay. Given that Schulz's views about sexual desire and activity, or his version of Kant's views, rely on intentionality and the concept "person," given that he argues that the morally proper place for sexual expression is marriage, and given the last sentence of his essay ("Sexual desire . . . can be educated"), I was surprised that he ignores Roger Scruton's *Sexual Desire: A Moral Philosophy of the Erotic* (New

York: Free Press, 1986). I was also surprised that someone who without apology or explanation uses the term "concupiscence" and invokes, in the pursuit of his philosophical goal, St. Paul's "remedy against sin" benefit of marriage (1 Cor. 7), overlooks Karol Wojtyla's *Love and Responsibility* (New York: Farrar, Straus and Giroux, 1981), in which the late Pope John Paul II attempts to merge Kant's Second Formulation of the Categorical Imperative (which he calls "the personalist norm") with Roman Catholicism. (What a shock, then, to find Schulz citing the *Divine Debauchee*, Georges Bataille.) He also slights the fine work done by Lara Denis (although stemming from a different perspective), which already improves Kant on sexuality, in particular her "From Friendship to Marriage: Revising Kant" (*Philosophy and Phenomenological Research* 63 [2001], pp. 1-28). Denis's "Kant on the Wrongness of 'Unnatural' Sex" (*History of Philosophy Quarterly* 16 [1999], pp. 225-48) is similarly useful. Elizabeth Brake's "Justice and Virtue in Kant's Account of Marriage" (*Kantian Review* 9 [2005], pp. 58-94) is relevant; it was published perhaps soon enough for Schulz to have acknowledged it. Both Denis and Brake have written more recent pieces on Kant; I mention them only to edify the reader and assist Schulz, knowing that he likely could not have taken them into account: Denis, "Sex and the Virtuous Kantian Agent" (in Raja Halwani, ed., *Sex and Ethics: Essays on Sexuality, Virtue and the Good Life* [London: Palgrave/Macmillan, 2007], pp. 37-48); and Brake, "Kant, Immanuel" (in Alan Soble, ed., *Sex from Plato to Paglia: A Philosophical Encyclopedia* [Westport, Conn.: Greenwood Press, 2006], vol. 1, pp. 543-53). Another philosopher who has explored Kant's philosophy deeply (the way Schulz certainly does), while paying attention to Scruton and defending not-so-liberal sexual ethics, is Seiriol Morgan. Schulz would have benefited from consulting "Dark Desires" (*Ethical Theory and Moral Practice* 6:4 [2003], pp. 377-410) and

"Sex in the Head" (*Journal of Applied Philosophy* 20:1 [2003], p. 1-16), reprinted in this volume.

Allow me three more bibliographic points. Schulz claims that "sexual desire is always a desire *for* something under conditions: sexual desire, like all human desires, is intentional." I'm not sure that to say that sexual desire is a desire *for* something is equivalent to saying that sexual desire is "intentional," but the claim that sexual desire is *for* something—that sexual desire is "propositional"—has been powerfully denied by Jerome Shaffer in his brilliant essay "Sexual Desire" (*Journal of Philosophy* 75:4 [1978], pp. 175-89; reprinted in Alan Soble, ed., *Sex, Love, and Friendship* [Amsterdam: Rodopi, 1997], pp. 1-12). Schulz's fascinating Kantian take on Adam and Eve might have been even more thoroughly Kantian (or more in keeping with what Kant wrote about that happy couple) had Schulz brought in Kant's "Conjectural Beginning of Human History" (1786; in Lewis White Beck, ed., *On History* [Indianapolis, Ind.: Bobbs-Merrill, 1963], pp. 53-68), which I discuss in "Kant and Sexual Perversion" (*Monist* 86 [2003], pp. 55-89). Finally, the impact of Schulz's reliance on "person" might have emerged more clearly had he considered Thomas Nagel's ontological use of "person" in describing human sexual arousal ("Sexual Perversion," in this volume) and how Sara Ruddick took this concept from Nagel and put a moral spin on it ("Better Sex," in Robert Baker and Frederick Elliston, eds., *Philosophy and Sex*, 2nd edition [Buffalo, N.Y.: Prometheus, 1984], pp. 280-99). The differences between Nagel's purely ontological and Ruddick's ontological-moral use of "person" are explored in my *Sexual Investigations* (New York: New York University Press, 1996), pp. 74-77, and in "Completeness, Sexual," *Sex from Plato to Paglia*, vol. 1, pp. 179-84.

2. I have been using "Kantian" without explanation. Schulz writes (in his note 21):

[Alan] Goldman argues that . . . Kant's second formulation of the categorical

imperative is *best interpreted exactly as Kant interprets it*: as a demand for "reciprocity in sexual relations," such that "even in an act which by its nature 'objectifies' the other, one recognizes a partner as a subject with demands and desires by yielding to those desires, by allowing oneself to be a sexual object as well, by giving pleasure or ensuring that the pleasures of the act are mutual" Goldman concludes that "It is this kind of reciprocity which forms the basis for morality in sex, which distinguishes right acts from wrong in this area as in others" [my ellipses and italics]

Is it true that Goldman's interpretation of the Categorical Imperative is exactly Kant's? That cannot be right. If it were, then Kant, as Goldman does, would bless casual sex as long as each person in the encounter tries to please, in reciprocal fashion, the other person (*but Kant doesn't*). Is it even true that Goldman claims that the Categorical Imperative is "best interpreted exactly as Kant interprets it"? No. What Goldman actually writes in his essay is that his interpretation is a "more realistic rendering" of the Categorical Imperative than Kant's. I don't know what Goldman means by the odd phrase "more realistic," but he's at least saying that Kant's interpretation of the Categorical Imperative requires modification (in a liberalizing direction). Goldman ends up with a *Kantian* view of sexual morality, or a *Kantish* view—a view *inspired by Kant*—but surely not a restatement of Kant's position. We get, in Goldman's account, only what Kant should have written, had he been more on his moral and anthropological toes. I think a rereading of this sort also occurs in Denis's essays on Kant, especially in "From Friendship to Marriage: Revising Kant." What I tried to do in "Sexual Use" was to stick faithfully to Kant. Schulz goes the route of Goldman and Denis. How far from Kant he travels and whether his elaborations are acceptable

depend on his purpose: is he primarily doing exegesis, or is he formulating a philosophy in the "spirit" of Kant and so is not required to toe Kant's line?

3. Schulz's main contention in his essay is that he successfully responds to a challenge I posed in the "Metaphilosophical Finale" at the end of "Sexual Use." Schulz quotes part of the passage (ignore the minor discrepancies):

If sex is, in its essence, wholesome, or if, as in Mappes and Goldman, sexual activity does not differ significantly from other human activities, it becomes easier to both justify sexual activity and to justify sex outside of marriage. Those, including many Christian philosophers, who assume the worst about sex gain an advantage in defending the view that sexuality must be restricted to matrimony. . . . The convincing intellectual trick would be to assume the *best* about sex, that it is by its nature wholesome, and then argue, *anyway*, that it should be restricted to marriage or that casual sex is wrong. (What might an optimistic account of sex look like)?

Then he announces, "I would like to perform the trick. I will argue that sex is by its nature wholesome (though not unconditionally so), and that sex should be restricted to marriage." I will argue that Schulz does not "perform the trick." The central reason is that he does not abide by the terms of the challenge; he does not begin with "optimistic" accounts of sexual desire and activity according to which "sex is by its nature wholesome." His (modified) Kantian definitions of sexual desire and activity are far from being the "best" assumptions about sex.

Schulz, in the culminating heart of his essay, provides a number of reasons for thinking that "marriage is the best context in which to pursue sexual goods insofar as it best minimizes the

risk of objectification." I do not think this is true; nor do I think that Schulz has adequately defended it. His various arguments that marriage is the morally proper place for the expression of sexuality (it "should be restricted to marriage") are weak. But that is beside the point. Notice what Schulz is asserting: the value of restricting sex to marriage is that doing so minimizes objectification. But this assumes that there is something objectifying about sexuality itself that needs to be dealt with, overcome, or controlled. And to make that assumption is *not* to start with a "wholesome" view of sexuality. So Schulz has not performed the trick. He has, as I predicted in "Sexual Use," made things *too easy* on himself.

If marriage is touted because it has the power to attenuate the objectifying tendencies of sexual desire and activity, the challenge I posed at the end of "Sexual Use" has not been satisfied. The challenge was to assume the best about sex, that it is not especially associated with morally suspicious motives or attitudes, and then defend the claim that marriage is, anyway, the morally proper location for human sexuality. Kant assumes sex is by its nature objectifying and concludes that it ought to occur only in marriage. Schulz grants too much to Kant's premises and of course defends marriage as well, on the grounds that it overcomes objectification. What Shultz argues, and at most shows (which only supports my claim in "Sexual Use," not refutes it), is that if sex has objectifying tendencies, then sex in marriage or a Nussbaumian committed relationship has a better chance of attenuating the nastiness of sex, the objectification of self and other, than do other arrangements, for example, the bare mutual consent (of casual partners), as in Mappes, or mutual consent (of casual partners) supplemented with Goldmanian reciprocity.

Examine Schulz's revised Kantian definitions:

P1': Human sexual desire is, in itself, the bodily appetite of a human person

to use the body of a human person for the purpose of carnal satisfaction got through the use of their body's members.

P2': Human sexual activity is any act in which each human person's body functions as the object of the other human person's sexual desire.

But what I meant by "wholesome" in "Sexual Use" was this: at least not, by its nature, selfish, self-centered, objectifying, or instrumental. Precisely these troublesome moral features are built right into Schulz's definitions of sexual desire and activity, the same way Kant does it: "in itself," "appetite," "to use," "for the purpose of . . . satisfaction," "functions as an object." In my essay, I asked, almost rhetorically, what an "optimistic" or "wholesome" account of sexuality would look like. There are some obvious candidates, but I did not mention them because they are, I suspect, false. Further, these "optimistic" accounts paint such a beautiful picture of human sexuality that they abundantly confirm my claim that if we start with a pretty picture of sex we will be hard pressed to defend the claim that marriage is the morally proper place for sex. Had Schulz begun with such a model and concluded through convincing arguments that marriage was morally the only or best place for sex, he would have met the challenge. Suppose (this is not Singer's view; for the details, see my "Hobbes, Thomas," in *Sex from Plato to Paglia*, vol. 1, pp. 454-60) that by its nature sexual desire was composed entirely of the desire to provide sexual pleasure to another person, a desire to satisfy the other merely for the other's sake. See? There could, on such an account of sexual desire, be no or little objection to casual sexual encounters, and marriage would seem not to be necessary or even relevant for loving, caring, respectful sexual activity.

Notes

1. Kant's views on sexuality are in *Lectures on Ethics* [ca. 1780], trans. Louis Infield (Indianapolis, Ind.: Hackett, 1963), 162–71; and *The Metaphysics of Morals* [1797], trans. Mary Gregor (Cambridge: Cambridge University Press, 1996), 61-64, 126-28, 178-80.
2. Bernard Baumrin, "Sexual Immorality Delineated," in Robert Baker and Frederick Elliston, eds., *Philosophy and Sex*, 2nd edition (Buffalo, N.Y.: Prometheus, 1984), 300-11, at 300-2.
3. *Lectures*, 164.
4. "In desire you are compromised in the eyes of the object of desire, since you have displayed that you have designs which are vulnerable to his intentions" (Roger Scruton, *Sexual Desire: A Moral Philosophy of the Erotic* [New York: Free Press, 1986], 82).
5. See Virginia Held, "Coercion and Coercive Offers," in J. Roland Pennock and John W. Chapman, eds., *Coercion: Nomos XIX* (Chicago, Ill.: Aldine, 1972), 49-62.
6. *Metaphysics*, 62.
7. *Lectures*, 164. Kant also suggests that sexuality can reduce humans *below* the level of animals, who in their instinctual innocence do not use each other sexually (122-23).
8. *Groundwork of the Metaphysic of Morals*, trans. H. J. Paton (New York: Harper Torchbooks, 1964), 95-96 (AK 4:428). St. Augustine agrees (*The City of God*, trans. Marcus Dods [New York: Modern Library, 1993], bk. 14, sec. 16, pp. 464-65).
9. *Homosexuality: A Philosophical Inquiry* (Oxford, Eng.: Blackwell, 1988), 185.
10. *Groundwork*, 96 (429); 95 (428).
11. *Groundwork*, 98 (430); see also *Metaphysics*, 199.

12. *Groundwork*, 97 (429). See Christine Korsgaard, "Creating the Kingdom of Ends: Reciprocity and Responsibility in Personal Relations," *Philosophical Perspectives* 6, *Ethics* (1992), 305-32.

13. C. E. Harris, Jr., seems to have this weaker version of the Second Formulation in mind when he claims that we are permitted to use another person in our interactions with him or her (e.g., a post office worker, doctor, professor) as long as, beyond using them for our purposes, we "do nothing to negate [their] status as a moral being," "do not deny him his status as a person," or "do not obstruct [their] humanity." Harris applies this principle to casual sex: as long as "neither person is overriding the freedom of the other or diminishing the ability of the other to be an effective goal-pursuing agent," it is permissible (*Applying Moral Theories*, 4th edition [Belmont, Calif.: Wadsworth, 2002], 153-54, 164).

14. "Plain Sex," in this volume.

15. David Archard's position (and mistake) is similar to Goldman's. "If Harry has sex with Sue solely for the purpose of deriving sexual gratification from the encounter and with no concern for what Sue might get out of it, if Harry pursues this end single-mindedly and never allows himself to think of how it might be for Sue, then Harry treats Sue merely as a means to his ends. If, *by contrast*, Harry derives pleasure from his sex with Sue but also strives to attend to Sue's pleasure and conducts the encounter in a way that is sensitive to her needs, then Harry does not treat Sue merely as a means. . . . That the sexual relationship between Sue and Harry is consensual does not mean that neither one of them is treating the other merely as a means" (*Sexual Consent* [Boulder, Colo.: Westview, 1998], 41, italics added).

16. "The delight men take in delighting, is not sensual, but a pleasure or joy of the mind

consisting in the imagination of the power they have so much to please" (Thomas Hobbes, "Human Nature, or the Fundamental Elements of Policy," in *The English Works of Thomas Hobbes*, vol. IV, ed. Sir William Molesworth [Germany: Scientia Verlag Aalen, 1966], chap. 9, sec. 15, p. 48).

17. See Thomas Nagel, "Sexual Perversion," in this volume.

18. *Metaphysics*, 199.

19. See "Orgasmic Justice," in my *Sexual Investigations* (New York: New York University Press, 1996), 53-57.

20. Hampton, "Defining Wrong and Defining Rape," in Keith Burgess-Jackson, ed., *A Most Detestable Crime: New Philosophical Essays on Rape* (New York: Oxford University Press, 1999), 118-56, at 147.

21. Hampton, 147.

22. Hampton, 147-48.

23. Hampton, 150.

24. Alan Donagan's view (*The Theory of Morality* [Chicago, Ill.: University of Chicago Press, 1977] is similar. He praises "life-affirming and nonexploitative" sexuality; by contrast, "sexual acts which are life-denying in their imaginative significance, or are exploitative, are impermissible" (107, italics omitted). Donagan rejects sadomasochism, prostitution, and casual sex.

25. Califia, "Introduction," *Macho Sluts* (Los Angeles, Calif.: Alyson Books, 1988), 9.

26. Thomas Mappes, "Sexual Morality and the Concept of Using Another Person," in this volume. Mappes's Kantian theory of sexual ethics counts as a solution to the Kantian sex

problem, for he observes that "the domain of sexual interaction seems to offer ample opportunity for 'using' another person" (Mappes's introductory essay to chapter 4, "Sexual Morality," in Thomas A. Mappes and Jane S. Zembaty, eds., *Social Ethics: Morality and Social Policy*, 6th edition [New York: McGraw-Hill, 2002], 157-64, at 160; or see the 4th edition, 1992, 192; or the 5th, 1997, 153).

27. For another Kantian consent view, see Raymond Belliotti, "A Philosophical Analysis of Sexual Ethics," *Journal of Social Philosophy* 10:3 (1979): 8-11.

28. "Some Ruminations on Women, Violence, and the Criminal Law," in Jules Coleman and Allen Buchanan, eds., *In Harm's Way: Essays in Honor of Joel Feinberg* (Cambridge: Cambridge University Press, 1994), 209-30, at 218.

29. Alan Wertheimer argues that "Have sexual relations with me or I will dissolve our dating relationship" is *not* "a coercive proposal" (although it might still be wrong). See his "Consent and Sexual Relations," in this volume.

30. Mappes's free and informed consent test seems to imply that prostitution is permissible if the prostitute is not exploited, i.e., not taken advantage of in virtue of her economic needs. Baumrin's consent view seems to imply that prostitution is permissible, because either party may "discharge" the other's duty of providing sexual satisfaction ("Sexual Immorality Delineated," 303; see 305). But Goldman's position on prostitution is unclear. He does not advance a mere free and informed consent test, but lays it down that each person must make a sexual object of himself or herself for the sake of the pleasure of the other, or must provide sexual pleasure to the other so that their activity is mutually pleasurable. That seems to condemn prostitution, unless the client provides pleasure for the prostitute, or unless the

prostitute's pleasure in receiving money makes their encounter sufficiently "mutual."

31. *Lectures*, 163. In several places I replaced "can" in Infield's translation with "may"; Kant's point is moral, not about natural or conceptual possibility.

32. "Objectification," *Philosophy and Public Affairs* 24:4 (1995): 249-91, reprinted in my *Philosophy of Sex*, 4th edition, 381-419 (the passage is on p. 394; references to "Objectification" are to POS4). In a slightly revised version of "Objectification" (*Sex and Social Justice* [New York: Oxford University Press, 1999], 213-39), Nussbaum changed "without causing him pain" to "without causing him unwanted pain" (223). That's a huge difference.

33. "Objectification," 401, italics added.

34. "Objectification," 401.

35. "Objectification," 411, italics added.

36. There is a similar problem of Kant exegesis in Baumrin's "Sexual Immorality Delineated." He claims that what is morally wrong, for Kant, is treating a person in *every* respect as a means. What is permissible, for Baumrin (or Baumrin's Kant), then, is treating a person as a means as long as the person is treated in (at least and perhaps only) *one* respect *not* as a means (300). What this means and whether it is compatible with the Second Formulation are unclear. Baumrin's rendition of the Second Formulation (he quotes Lewis White Beck's translation) does not include the phrase "at the same time" (310, note 1).

37. "Objectification," 400-1, italics added.

38. "Objectification," 405.

39. "Objectification," 402, italics added.

40. *Lectures*, 165-66.

41. "Objectification," 409, 410, 411. I am not able to explore here the tension between Nussbaum's rejecting sexuality in the "anonymous spirit" and her legal and moral defense of prostitution ("Whether from Reason or Prejudice.' Taking Money for Bodily Services," *Sex and Social Justice*, 276-98; in this volume). See my discussions of Nussbaum in *Pornography, Sex, and Feminism* (Amherst, N.Y.: Prometheus, 2002), 72-78, 163-74; and in "Concealment and Exposure: A Mostly Temperate and Courageous Afterword," in Raja Halwani, ed., *Sex and Ethics: Essays on Sexuality, Virtue, and the Good Life* (New York: Palgrave/Macmillan, 2007), 229-52, at 248-51.

42. "Objectification," 404. Nussbaum mistakenly calls Califia's short story "Jenny."

43. Califia, "Jessie," in *Macho Sluts*, 28-62, at 60. This was said by the top, Jessie, to her bottom, Liz, the morning after their sexual encounter.

44. Important accounts of Kant on sex include Vincent M. Cooke, "Kant, Teleology, and Sexual Ethics," *International Philosophical Quarterly* 31:1 (1991): 3-13; Onora O'Neill, "Between Consenting Adults," in *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989), 105-25; Susan Meld Shell, *The Embodiment of Reason: Kant on Spirit, Generation, and Community* (Chicago, Ill.: University of Chicago Press, 1996) and *The Rights of Reason: A Study of Kant's Philosophy and Politics* (Toronto, Can.: University of Toronto Press, 1980); Irving Singer, *The Nature of Love, vol. 2: Courty and Romantic* (Chicago, Ill.: University of Chicago Press, 1984); and Keith Ward, *The Development of Kant's View of Ethics* (Oxford, Eng.: Blackwell, 1972).

45. I examine Kant's philosophical objections to homosexuality and, *a fortiori*, to homosexual marriage, in "Kant and Sexual Perversion," *Monist* 86:1 (2003): 57-92. See also

Lara Denis, "Kant on the Wrongness of 'Unnatural' Sex." *History of Philosophy Quarterly* 16:2 (1999), 225-48.

46. *Metaphysics*, 62; *Lectures*, 167.

47. *Metaphysics*, 126n.

48. *Metaphysics*, 127; italics added.

49. "Objectification," 415, note 30.

50. *Good Sex: Perspectives on Sexual Ethics* (Lawrence, Kan.: University Press of Kansas, 1993), 100, italics added.

51. Baker and Elliston, "Introduction," *Philosophy and Sex*, 1st ed. (Buffalo, N.Y.: Prometheus, 1975), 8-9; 2nd edition (Buffalo, N.Y.: Prometheus, 1984), 17-18. Or see the "Introduction" in Robert B. Baker, Kathleen J. Wininger, and Frederick A. Elliston, eds., *Philosophy and Sex*, 3rd edition (Amherst, N.Y.: Prometheus, 1998), 23. These passages are missing from Robert B. Baker and Kathleen J. Wininger, eds., *Philosophy and Sex*, 4th edition (Amherst, N.Y.: Prometheus, 2009).

52. *Metaphysics*, 180. In her earlier translation of the *Metaphysics*, Gregor rendered this line "benevolence . . . stop[s] short of carnal enjoyment" (*The Doctrine of Virtue: Part II of the Metaphysic of Morals* [New York: Harper Torchbooks, 1964], 90).

53. *Metaphysics*, 215. Lara Denis attempts to rehabilitate Kant on marriage in "From Friendship to Marriage: Revising Kant," *Philosophy and Phenomenological Research* 63:1 (2001): 1-28.

54. *Lectures*, 164.

55. *Philosophical Correspondence: 1759-99*, trans. Arnulf Zweig (Chicago, Ill.:

University of Chicago Press, 1967), letter dated July 10, 1797, p. 235.

56. *Philosophical Correspondence*, 235-36; italics added to "is."

57. *Metaphysics*, 62.

58. *Kant's Political Philosophy* (New York: St. Martin's Press, 1983), 117.

59. *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), 2; italics added. Here is the line in the *Metaphysics* to which Wood refers ("MS 6:425"): "even the permitted bodily union of the sexes in marriage . . . [is] a union which is in itself merely an animal union" (179). This is more evidence that Kant's solution is minimalist.

60. *Metaphysics*, 64.

61. *Kant's Political Philosophy*, 117.

62. Baumrin, "Sexual Immorality Delineated," 301, 300.

63. Mary Geach (an offspring of Peter Geach and Elizabeth Anscombe) claims, as did Augustine and Jerome, that Christianity "encourages men and women to recognize the whoredom in their own souls. It is a decline from Christianity to see oneself as better than a prostitute if one is . . . given to masturbatory fantasies, or if one defiles ones [*sic*] marriage with contraception." Mary, not surprisingly, limits sexual activity to marriage ("Marriage: Arguing to a First Principle in Sexual Ethics," in Luke Gormally, ed., *Moral Truth and Moral Tradition: Essays in Honour of Peter Geach and Elizabeth Anscombe* [Dublin, Ire.: Four Courts Press, 1994], 177-93, at 178).