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# Kant and Sexual Perversion

## I. *The Cold Kant*

In the first part (the "Doctrine of Right," the *Rechtslehre*) of his late, post-critical *Metaphysics of Morals* (1797), which part is devoted to the Law, Immanuel Kant tells us about a crime that is "deserving of death, with regard to which it still remains doubtful whether *legislation* is also authorized to impose the death penalty." This crime is "a mother's *murder of her child*."<sup>1</sup> But Kant is not concerned with a Susan Smith, who drowned in an automobile submerged in a lake her properly, legally, conceived children. That it is "doubtful" that the law should be brought to bear against infanticide is reserved by Kant for a special case:

Legislation cannot remove the disgrace of an illegitimate birth. . . . A child that comes into the world apart from marriage is born outside the law . . . and therefore outside the protection of the law. It has, as it were, stolen into the commonwealth (like contraband merchandise), so that the commonwealth can ignore its existence (since it was not right that it should have come to exist this way), and can therefore also ignore its annihilation.<sup>2</sup>

The old Kant is cruel, heartless about the plight of the illegitimate child, which he likens to a stash of marijuana. This is not a humanist Kant, but a callous, prejudiced *kisöreg*.<sup>3</sup>

The slightly younger Kant is no more compassionate. In his pre-critical *Lectures on Ethics* (1775-81; the *Vorlesung*), he expressed this piece of brutal misogyny:

No matter what torments I have to suffer, I can live morally. I must suffer them all, including the torments of death, rather than commit a disgraceful action. The moment I can no longer live in honour but become unworthy of life by such an action, I can no longer live

at all. Thus it is far better to die honoured and respected than to prolong one's life . . . by a disgraceful act . . . . If, for instance, a woman cannot preserve her life any longer except by surrendering her person to the will of another, she is bound to give up her life rather than dishonour humanity in her own person, which is what she would be doing in giving herself up as a thing to the will of another.<sup>4</sup>

But if a woman cannot save her life except by surrendering, how has she *voluntarily* renounced or dishonored her humanity, and hence how has she renounced or dishonored it at all? Where is her disgrace in submitting to hold on to her life? To urge this woman to kill herself, or allow herself to be killed, rather than suffer the torment of having her humanity "dishonored" by rape, is as deplorable as it is astonishing.

The accusation against Kant of heartlessness and misogyny is reinforced by another passage in the *Vorlesung*:

Lucretia . . . killed herself, but on grounds of modesty and in a fury of vengeance. It is obviously our duty to preserve our honour, particularly in relation to the opposite sex . . . . [B]ut we must endeavour to save our honour only to this extent, that we ought not to surrender it for selfish and lustful purposes. To do what Lucretia did is to adopt a remedy which is not at our disposal; it would have been better had she defended her honour unto death.<sup>5</sup>

In one case, Kant claims that a woman is "bound" to give up her life to *avoid* being subjugated by the rapacious sexual will of another. About Lucretia, Kant claims that she was unjustified in killing herself *afterwards*, for she had the wrong reason to commit suicide. Still, Kant goes on to claim, as in the first case, that Lucretia should have entertained dying in the face of the threat of rape--better to be dead than to lose one's humanity by being forcibly made into a sexual object by another.<sup>6</sup> Kant is genuinely stubborn about the moral significance of such duties-to-self: "Neither can we without destroying our person [our humanity] abandon ourselves to others in order to satisfy their desires, even though it be done to save parents and friends from death."<sup>7</sup> Incredible.

Kant's ethical writings are glutted with comparable absurdities, and they occur in both the younger and older Kant.<sup>8</sup> He seems not to have become more empathetic toward The Human Condition or to have made moral progress, despite his creating the Categorical Imperative in all its inspiring formulations. My reading of Kant on sexual perversion in the *Lectures* and *Metaphysics* will confirm this judgment. I propose to examine what Kant thought on this topic, but not (only) to deflate our pretensions that he is a Great Philosopher. Kant's discussion of the sexually unnatural raises questions that are still the subject of continuing debate.

## II. *The Metaphysics of Morals*

In the *Tugendlehre* (the "Doctrine of Virtue," the second part of *Metaphysics of Morals*), Kant begins a subsection, "On Defiling Oneself by Lust,"<sup>9</sup> with this routine statement: "Just as love of life is destined by nature to preserve the person, so sexual love is destined by it to preserve the species; in other words, each of these is a *natural end*."<sup>10</sup> Kant then asks a question naturally suggested by his opening statement:

What is now in question is whether a person's use of his sexual capacity is subject to a limiting law of duty with regard to the person himself or whether he is authorized to direct the use of his sexual attributes to mere animal pleasure, without having in view the preservation of the species, and would not thereby be acting contrary to a duty to himself.<sup>11</sup>

The "or" in this murky passage might not mark a disjunction between two alternative formulations of the same question, but the beginning of another "whether" question, similar to the first but not the same. The first question Kant asks is: "Is a person's use of his sexual capacity subject to a limiting law of duty with regard to the person himself?"--which he eventually answers "yes." This general question about the morality of sexual behavior has nothing to do with nature's sexual end, but with the implications for our duties-to-self of 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."<sup>12</sup> Indeed, this is the central question Kant asks about sex in the *Lectures* and *Metaphysics*.<sup>13</sup> The second question is suggested by the way Kant opened the subsection: "Is a person authorized to direct the use of his sexual attributes to mere animal

pleasure, without having in view the preservation of the species?" This specific question concerns the use of one's body for the sake of sexual pleasure, but "without having in view the preservation of the species." Kant attempts to link the two questions by adding, at the end of the second, "and would not thereby be acting contrary to a duty to himself," as if acting contrary to nature's sexual end would itself be to corrupt one's humanity. What the two questions have in common is the idea that one might violate a duty to the humanity in one's own person by engaging in certain types of sex. That prospect is Kant's concern in this subsection of the *Metaphysics*: a few lines later he states, "*the question here is whether the human being is subject to a duty to himself with regard to this enjoyment, violation of which is a defiling . . . of the humanity in his own person.*"<sup>14</sup> This is the first, general question in the above passage; it makes no mention of contravening nature's sexual end and invites us to think about the implications of the Second Formulation.

Kant's answers to his question(s) are strained, obscure, and vacillating. His answers are problematic, I suspect, because he conflates the two questions; because he must struggle to make out a connection between acting unnaturally and violating a duty-to-self; and because he wants to focus on the first duty-to-self question but, in light of his inauspicious opening statement, he feels he must keep an eye on how nature's sexual end might have moral significance. What I hope to show in my discussion of the sex passages of the *Tugendlehre* is that Kant apparently offers two arguments against certain sexual practices (masturbation, in particular), one based on nature's sexual end and one on the Second Formulation; that Kant, despite appearances, does not use the argument from nature's end to establish his conclusion, but relies on nature only to convey the emotions occasioned by contemplating perverted sex; and that the Second Formulation argument does not succeed in proving what Kant wanted (in accordance with his emotions or pre-analytic intuitions) to prove.

Kant's first semi-reply to his question is strange: it drags in a factor, the imagination, that seems on the face of it to be extraneous to the question of the worth of sexual activity apart from nature's purpose of the preservation of the species, although Kant tries to make it relevant:

Lust [the "impetus" to sexual "pleasure"] is called *unnatural* if one is aroused to it not by a real object but by his imagining it, so that he himself creates one, contrary to [natural] purpose; for in this way

imagination brings forth a desire contrary to nature's end. . . .<sup>15</sup>

"By his imagining it" is ambiguous. Does "it" refer to an action or a person? A similar vagueness plagues "brings forth a desire." What action or person is this imagination-induced desire for? Has the imagination brought about a contentless lust (horniness), an impetus for sexual pleasure *simpliciter*, or has it caused a specifiable desire that or for something? It is not clear, then, what Kant means in saying that a *desire* induced by the imagination is contrary to nature. It seems that whether an imagination-induced desire is contrary to nature should depend on the content of the image and the type of desire induced. If the image has heterosexual content and the desire induced is for coitus, the induced desire will not be contrary to nature. But, further, even if the desire induced by the imagination is a desire to masturbate or to bugger someone, the mere existence of a desire, without the performance of the act, does not obviously violate Kant's purpose of nature. Just becoming sexually aroused by the imagination is not contrary to the preservation of the species, no matter what sort of act or person is imagined. Kant might say that desires can be morally corrupt. (In the *Vorlesung* Kant extracts a chestnut from the Gospel of Matthew: "In law a man is guilty when he has done something against the right of another; in ethics he is guilty even if he only harboured the thought of doing it. Christ expresses this principle clearly when He says: 'Whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart'.")<sup>16</sup> But the issue here is not whether a desire can be morally corrupt, but whether it can be, as Kant says, "contrary to nature."

Kant's first argument is unconvincing. The role of the imagination is a red-herring, for that imagination leads to a desire is neither necessary nor sufficient for the desire to be contrary to nature. Desires contrary to nature (*if* any exist) can be induced in other ways, independently of the imagination, and the imagination can induce desires that are quite in tune with nature. Kant must be inchoately claiming, which he goes on to claim anyway, that the masturbatory act itself is the offense against nature. If so, the imagination is not essential to the offensiveness of masturbation, and mentioning the imagination contributes nothing to Kant's argument. In the *Vorlesung*, we find a passage similar to the *Tugendlehre* imagination passage (the two texts contain many parallel passages):

If . . . we give our imagination free play in sensual pleasures, to the extent of even giving it reality, vices are created which are contrary to nature and involve most serious offences against the duties we owe to ourselves.<sup>17</sup>

I think Kant is saying that the imagination might cause us to perform sexually unnatural acts. But whether it does is a contingent matter, and Kant can blame the imagination only when it actually leads to objectionable sexual activity. (Note the "and." Does Kant intend to make two separate arguments against sexual vice?)

### *Sidebar on Scruton*

Nevertheless, Roger Scruton has taken Kant's observation about the imagination to be a perceptive part of Kant's sexual musings.<sup>18</sup>

"Masturbation," according to Scruton, "exists in two forms; one, in which it relieves a period of sexual isolation, and is guided by a fantasy of copulation; the other, in which masturbation replaces the human encounter, and perhaps makes it impossible, by reinforcing the human terror, and simplifying the process, of sexual gratification."<sup>19</sup> "On one plausible view," Scruton says, "only the second of these could reasonably be described as perverted, for only the second shows a bending of the sexual impulse away from interpersonal union--a bending, however, that occurs under the pressure of fantasies of sexual union."<sup>20</sup>

Thus, "to understand this second form of masturbation," Scruton proposes, "we must look . . . at . . . sexual fantasy."<sup>21</sup> In the sexual fantasies of the *perverted* type of masturbation, "an object is represented, often by means of a picture. But the aim is to approach as nearly as possible to a substitute for the absent object: though a substitute that is free from danger."<sup>22</sup> Again: "Fantasy replaces the real, resistant, objective world with a pliant substitute--and that, indeed, is its purpose."<sup>23</sup> Although both types of masturbation involve sexual images, they are different:

The 'perverted' masturbator . . . uses representations which are purged of their imaginative challenge, and of all the dangers that surround the sexual encounter. The sexual activity of the 'normal' masturbator is, primarily, a re-creation in memory or imagination of the act

towards which his body tends. The 'perverted' masturbator, by contrast, uses images as a substitute for the real thing: realistic representations of the human body, purged of the dangers and difficulties presented by the human soul.<sup>24</sup>

For our purposes, what is of interest is that Scruton, providing the *Tugendlehre* imagination passage as evidence, claims to find his account of the perverted masturbator in Kant: "Kant considered masturbation to be the archetype of all perversion, precisely because it replaces the real object of desire by a fantasy that is self-created and therefore obedient to the will."<sup>25</sup> But had Scruton paid attention to the *Vorlesung*, he would not have concluded that Kant "considered masturbation . . . the archetype of all perversion," for in the *Vorlesung* Kant, in equally strong terms, condemns bestiality, homosexuality, and masturbation. The first two do not involve the imagination in the way that masturbation does, and homosexuality does not avoid the dangers of interpersonal interaction (no more so than heterosexuality). Indeed, on Scruton's reading of Kant, it should be bestiality that is the archetype of perversion, since here dangerous human interaction *is* absent. Nor would Scruton have reached his conclusion had he read the imagination passage in the context of the entire subsection. Kant, perhaps to his discredit, makes no distinction among different types of masturbation or fantasy (Kant issues a blanket condemnation of masturbation, as does Scruton, despite his fine distinctions);<sup>26</sup> Kant drops the imagination argument as quickly as he raises it, moving on, for him, to the more meaty implications of the Second Formulation (see his "ground of proof," below); and Kant seems to make, at most, the point that the imagination might cause one to masturbate. In the imagination passage, Kant's focuses on nature's end of the preservation of the species, not on there being something suspicious in the masturbator's fantasizing a compliant object of desire that allows him to avoid dangerous human encounters. Kant had nothing as psychologically sophisticated in mind as that attributed to him by Scruton.

It is odd that Kant is Scruton's hero, since Scruton in *Sexual Desire* has almost only unflattering things to say about Kant on sexuality.<sup>27</sup> Had Scruton searched further for a hero, for someone who expressed the seed of his idea of the perverted masturbator, he might have found Rousseau. Rousseau's criticism of masturbation is different from Kant's: it rests on

an imagined violation of or harm done to others. For Rousseau, the "vice" of masturbation

has a particular attraction for lively imaginations. It allows them to dispose, so to speak, of the whole female sex at their will, and to make any beauty who tempts them serve their pleasure without the need of first obtaining her consent.<sup>28</sup>

For Rousseau, masturbation with fantasy is a mental rape (but only "so to speak"). It both involves the 'use' of one person by another and avoids the dangers of a real-world encounter with a person. As in Scruton, fantasy allows masturbators to achieve gratification "at their will" with compliant objects. But there seems nothing unnatural in this, in Kant's sense; and since the 'use' occurs only in fantasy, it seems not to violate the Second Formulation.<sup>29</sup>

That we should not take Kant's imagination argument seriously is confirmed by what Kant writes about the imagination in his version of the Adam and Eve story, in "Conjectural Beginning of Human History" (1786). It turns out, for Kant, that imagination (Eve's, in particular, in leading her to reach for the forbidden fruit) played an important role in the historical emergence of persons with their distinctive humanity:

So long as inexperienced man obeyed this call of nature all was well with him. But soon reason began to stir. A sense different from that to which instinct was tied--the sense, say, of sight--presented other food than that normally consumed as similar to it; and reason, instituting a comparison, sought to enlarge its knowledge of foodstuffs beyond the bounds of instinctual knowledge. . . . This experiment might, with good luck, have ended well, even though instinct did not advise it, so long as it was at least not contrary to instinct. But reason has this peculiarity that, aided by the imagination, it can create artificial desires which are not only unsupported by natural instinct but actually contrary to it. These desires, in the beginning called concupiscence, gradually generate a whole host of unnecessary and indeed unnatural inclinations called luxuriousness. The original occasion for deserting natural instinct may have been trifling. But this was



man's first attempt to become conscious of his reason as a power which can extend itself beyond the limits to which all animals are confined. As such its effect was very important and indeed decisive for his future way of life. . . . [T]his was a sufficient occasion for reason to do violence to the voice of nature . . . and, its protest notwithstanding, to make the first attempt at free choice; an attempt which, being the first, probably did not have the expected result. But however insignificant the damage done, it sufficed to open man's eyes. . . . He discovered in himself a power of choosing for himself a way of life, of not being bound without alternative to a single way, like the animals.<sup>30</sup>

Reason aided by the imagination lifts humans above animals; they free humans from the blind instinctual restraints of nature. Reason and imagination together create the possibility of free choice, of autonomy, the central aspect of one's humanity. In this essay, Kant also describes the effect of reason and imagination on human sexuality:

Next to the instinct for food, by means of which nature preserves the individual, the greatest predominance belongs to the sexual instinct, by means of which she preserves the species. Reason, once aroused, did not delay in demonstrating its influence here as well. In the case of animals, sexual attraction is merely a matter of transient, mostly periodic impulse. But man soon discovered that for him this attraction can be prolonged and even increased by means of the imagination. . . . By means of the imagination, he discovered, the surfeit was avoided which goes with the satisfaction of mere animal desire. The fig leaf . . . was a far greater manifestation of reason than that shown in the earlier stage of development.<sup>31</sup>

Humans are, as a result, able to transcend the dull limits placed on sexuality by their animal nature and to make their sexual lives more exciting, although, as Kant goes on to say, we must be morally vigilant in using this power.

***Back to the Metaphysics of Morals***

In the next paragraph of this subsection of the *Tugendlehre*, Kant reveals that the unnamed object of his moral attack is masturbation, with or without the imagination:

That such an unnatural use (and so misuse) of one's sexual attribute is a violation of duty *to oneself*, and indeed contrary to morality in its highest degree, occurs to everyone immediately, with the thought of it, and stirs up an aversion to this thought to such an extent that it is considered indecent even to call this vice by its proper name. . . . In the case of unnatural vice it is as if man in general felt ashamed of being capable of treating his own person in such a way, which debases him beneath the beasts.<sup>32</sup>

There is no *argument* here, and Kant's "contrary to morality in its highest degree, occurs to everyone immediately" is a fatuous exaggeration. Kant's appeal to nature does no philosophical work, but allows him to vent his emotions. (Why did the emotive play such a role in Kant's sexual writings? In this regard, he was no worse, and no better, than the rest of us.)<sup>33</sup> Indeed, in the heart of the subsection Kant admits that nature has nothing to do with it. In the next paragraph, Kant rests his case against masturbation on its violating the humanity in one's own person: he returns to the first question about sexuality. The crux for Kant here is not nature, which he abandons as an argumentative tool, but the way in which some sexual behavior, by mistreating the self, runs afoul of the Second Formulation:

[I]t is not easy to produce a rational proof that unnatural, and even merely unpurposive, use of one's sexual attribute is inadmissible as being a violation of duty to oneself (and indeed, as far as its unnatural use is concerned, a violation in the highest degree).--The *ground of proof* is . . . that by it man surrenders his personality (throwing it away), since he uses himself as a means to satisfy an animal impulse.<sup>34</sup>

The argument is perfectly general. It applies, for Kant, to *any* sexual acts apart from those in marriage (heterosexual, monogamous, lifelong), *all* of which sexuality, on his view, violates the Second Formulation by treating the self or the other as a mere means to satisfy inclination (although Kant repeats, without justification, that masturbation is wrong

in the "highest degree"). Kant is utilizing his general principle (see his "since"): "disposing of oneself as a mere means to some . . . end is debasing humanity in one's person,"<sup>35</sup> when that end is formed by inclinations, including (but not restricted to) the sexual inclination. Casual and other nonmarital heterosexual acts, such as prostitution (whether procreative, and thereby consistent with nature's end of the preservation of the species, or not so consistent), homosexual acts, and masturbation are, for Kant, equally objectionable, and objectionable for the same reason, by this test.<sup>36</sup> Kant's appeal to nature's end is therefore irrelevant.<sup>37</sup>

**[Note added January 2003: In the "Reader Feedback" section appended to Joycelyn Elder's essay on masturbation in Nerve Magazine, "JP" from Germany wrote, "Dear Dr. Elders, It may be of interest for you that the great philosopher Kant masturbated every morning 'to clear his head from sexual desires.'" I have not yet been able to verify this assertion.]**

It is not true that *occasionally* masturbating or performing other nonprocreative or nonmarital sexual acts thoroughly violates nature's end of preserving the species. And since, not even for Kant, is every act contrary to nature morally wrong, it is enigmatic how that judgment is supposed to follow in the case of acts that are contrary to sexual nature. Nor does *occasionally* masturbating violate the duty-to-self clause of the Second Formulation. It is not clear that one "surrenders his personality" (his rational autonomy) by a single or even a number of acts of masturbation; nor is it clear that the masturbator *merely* uses himself, as opposed to treating himself both as a means and an end; and it is not clear that *every* satisfaction of an animal impulse or sexual inclination is a reduction or destruction of one's humanity.<sup>38</sup> In the subsection of the *Tugendlehre* that follows "On Defiling Oneself by Lust," titled "On Stupefying Oneself by the Excessive Use of Food or Drink," Kant discusses the natural ends of eating and drinking, and condemns only drunkenness and gluttony, *not* eating or drinking for the mere pleasure of it: "Brutish excess in the use of food and drink is misuse of the means of nourishment. . . . A human being who is drunk is like a mere animal, not to be treated as a human being."<sup>39</sup> Kant's argument seems to be that overeating and overdrinking violate a Second Formulation duty-to-self by temporarily interfering with the employment of one's rational autonomy and by threatening, over the long haul, the integrity of one's body, which is a necessary material substrate for the maintenance of one's humanity. To be consistent, should not Kant condemn only masturbation that is gluttonous or stupefying, as a threat to one's

humanity, but not the practice *tout court*? Neither argument against masturbation--it is unnatural, and it damages one's humanity--seem to work. Kant *should* have seen this.<sup>40</sup>

But Kant is unwilling to give up the ship, proceeding immediately to advance the (demented) thesis that masturbation is morally worse than suicide. Kant admits that

this [the *ground of proof*] does not explain the high degree of violation of the humanity in one's own person by such a vice in its unnaturalness, which seems in terms of its form (the disposition it involves) to exceed even murdering oneself.<sup>41</sup>

That the ground of proof, the Second Formulation, fails to explain masturbation's "high degree of violation" would have suggested to a less emotional thinker, or one less committed to defending at any cost his pre-analytic moral intuitions, that the assertion that masturbation is immoral in the "highest degree" should be recanted. This seems not to occur to Kant. Why is masturbation, for Kant, in the "highest degree" immoral, and worse than suicide?

It consists . . . in this: that someone who defiantly casts off life as a burden is at least not making a feeble surrender to animal impulse in throwing himself away; murdering oneself requires courage, and in this disposition there is still always room for respect for the humanity in one's own person. But unnatural lust, which is complete abandonment of oneself to animal inclinations, makes man not only an object of enjoyment but, still further, a thing that is contrary to nature, that is, a *loathsome* object, and so deprives him of all respect for himself.<sup>42</sup>

Note that Kant's "still further" severs, not bolsters, the connection between an act's being contrary to nature and its violating a duty to one's humanity. Being unnatural is an additional, independent feature that is called on by Kant just to explain why "we" *perceive* the masturbator as *loathsome*. It adds nothing to the Second Formulation's moral critique of masturbation; and that critique applies equally to promiscuous heterosexual (and so natural) copulation, which is also, if not more so, a "complete abandonment of oneself to animal inclinations." What Kant

does here is what ordinary people do: they "confuse their disgust . . . with moral indignation."<sup>43</sup> In masturbating a person makes himself loathsome, says Kant. But it seems that Kant is making the masturbator loathsome by twitching a finger at his prey, whom he doesn't allow a smidgen of self-respect.

What, exactly, is it that makes masturbation worse than suicide? Kant explains: "someone who defiantly casts off life as a burden is at least not making a feeble surrender to animal impulse in throwing himself away," and he contrasts the "feeble surrender" disposition of the masturbator with the "courage" disposition of the suicide.<sup>44</sup> Even in this translation we can already sense Kant's allegiance to traditional cultural standards of masculinity: real men do not, like wimps, jerk off, even if they might, occasionally, drawing on a reserve of manly courage, do themselves in. Semple's translation makes the point more discernible: "the suicide, who casts away life as a burden, is no effeminate surrender to sensitive excitement."<sup>45</sup> The Kant who fervently impugns masturbation (and, in the *Vorlesung*, homosexuality) is a Kant who mightily wants men to be men. Here Kant engages in apologetics for the sexual-cultural order, not philosophy, to the detriment of legions of "effeminate" men.<sup>46</sup>

### *The Casuistical Questions*

In the "Casuistical Questions" appended to this subsection, Kant returns to the second, more specific question hinted at by his opening statement. Earlier in the *Metaphysics* (in the *Rechtslehre*), he had written:

The end of begetting . . . children may be an end of nature, for which it implanted the inclinations of the sexes for each other; but it is not requisite for human beings who marry to make it their end in order for their union to be compatible with *rights*, for otherwise marriage would be dissolved when procreation ceases.<sup>47</sup>

But is it requisite for their union and their sexuality to be *virtuous*? This is the question that Kant addresses in the *Tugendlehre*. Kant begins "Casuistical Questions" by reasserting the claim that opened the subsection: "Nature's end in the cohabitation of the sexes is procreation, that is, the preservation of the species."<sup>48</sup> This is vague. Does Kant mean, as the Vatican says, that *each* heterosexual coital act must aim at or be open to procreation, or does he mean, with some Protestants, that

"cohabitation" (living together as spouses with an ongoing sexual relationship) must *at some time* contribute to the preservation of the species? Thus when Kant immediately continues, indeed concludes, "Hence one may not, at least, act contrary to that end,"<sup>49</sup> we do not know what he is using "contrary to that end" to forbid. A married heterosexual couple that engages in oral, anal, contraceptive, sadomasochistic, *and* procreative sex does not act contrary to nature in the sense of altogether preventing the preservation of the species. Unnaturally lustful sexual acts do not block the preservation of the species, unless some nonprocreative sexual act has become, for the partners, an exclusionary fetish.

Kant then asks, apparently about each sexual act, "But is it permitted to engage in this practice (even within marriage) *without taking this end into consideration?*"<sup>50</sup> This, too, is vague. Does "this practice" refer to coitus or to sexual activity more generally? Kant provides a short list of situations in which it might be permissible to engage in "this practice" without taking nature's end of preserving the species into consideration:

If . . . the wife is pregnant or sterile (because of age or sickness), or if she feels no desire for intercourse, is it not contrary to nature's end, and so also contrary to one's duty to oneself, for one or the other of them, to make use of their sexual attributes--just as in unnatural lust?<sup>51</sup>

Catholic theologians have forever debated the permissibility of coitus when the wife is pregnant or menstruating or a spouse is sterile, just as they have forever debated the use of contraceptive devices and practices.<sup>52</sup> Kant asks his question in a vacuum, as if ignorant of this extensive history. But there *is* a question here, if we hold that each act of coitus of a married couple must, as ordained by nature, be open to impregnation; for neither a pregnant woman, nor a sterile woman or man, nor a couple using effective contraception, engage in coitus in a way that could achieve procreation--"just as in unnatural lust," as Kant says (i.e., in masturbation and homosexuality). Kant suggests here that coitus in these situations might be contrary to nature's end and for that reason alone would violate a duty-to-self (see "so also"). But he has not established that link; indeed, he seems to have earlier abandoned it. It would have been more consistent for Kant to rest his case against such marital coitus (*if* he wished to condemn it) by appealing directly to the Second Formulation duty-to-self, since sex engaged in apart from procreation is likely to be sex engaged in primarily to satisfy

inclination,<sup>53</sup> and that is morally dubious, for Kant, by the Second Formulation.

What is dumbfounding about Kant's list of possible exceptions is its inclusion, along with pregnancy and sterility, the situation in which the wife "feels no desire for intercourse." There is nothing about a wife's reluctance to copulate that threatens nature's end; she can rant and rave that she's not in the mood or that she has an early conference the next day, yet still become pregnant by the penetration and ejaculation of her insensitive husband. Kant cannot condemn coitus in this situation, or even *raise* a moral question about it, by suggesting that it might be, like sex with a sterile spouse, contrary to nature. Nor can (or should) Kant condemn coitus in this situation by appealing to the only other moral consideration deployed in this subsection: "contrary to one's duty to oneself." For if there is any situation to which the Second Formulation's clause prohibiting using *another* person as a means to one's subjective ends would seem to apply preferentially, it would be rape, even if that 'rape' is a husband's penetrating a wife who "feels no desire for intercourse." Here, then, is another piece of Kantian misogyny, since he does not condemn coitus in this situation.<sup>54</sup> In fact, Kant condemns sex in none of these situations, going on to venture a way to justify it all, even though some of these acts seem even to him to fly in the face of nature's end:

Or is there [in these situations] a permissive law of morally practical reason, which in the collision of its determining grounds makes permitted something that is in itself not permitted (indulgently, as it were), in order to prevent a still greater violation?<sup>55</sup>

Kant's suggestion is old. He is rehashing part of the history of the theological debate on these matters. Kant is referring to the Catholic notion (from Paul, 1 Corinthians 7) of using sexual activity in marriage as a remedy against sin (*ad remedium concupiscentiae*): sex between spouses is permitted, if the woman is pregnant or if either spouse is not in the mood or sterile, because this sex is necessary to keep Satan's temptation at bay, to prevent a spouse from experiencing such powerful sexual desire out of frustration that he or she succumbs to the spiritual disaster of adultery or promiscuity. The instrumental value of marital sexual activity as a remedy generates 'the marriage debt', the obligation to engage in sex whenever one's spouse asks for it. But if Kant seriously means that the marriage debt must be honored in situations when

procreation is not possible, he has killed his reliance on nature's end to reach moral conclusions about sexuality. Kant's Pauline definition of marriage in the *Rechtslehre* suggests that he does accept the validity of the marriage debt: "Sexual union in accordance with principle is *marriage* . . . that is, the union of two persons of different sexes for lifelong possession of each other's sexual attributes."<sup>56</sup>

Kant seems to forget that earlier in the *Metaphysics* (in the *Rechtslehre*), he had said that "the natural use that one sex makes of the other's sexual organs is *enjoyment*."<sup>57</sup> In trying to solve his casuistical questions, Kant makes no use of this additional observation about nature. It would have provided another consideration, a 'natural' one, in favor of the sexual acts of the sterile couple. Indeed, Kant's discussions of sexuality in the *Tugendlehre* and *Vorlesung* do not acknowledge that nature has apparently two sexual ends.<sup>58</sup> Perhaps that concession would have compelled Kant to see that he could not appeal to nature at all, since these two ends of nature often conflict with each other and it would be difficult to show that one always trumps the other. Once it is admitted that one of nature's ends in sex is to provide pleasure, Kant's negativism about anything sexual other than marital sex could be easily repudiated. That nature (or God) equally invested these two ends in sexuality, procreation and pleasure, could be used to defend both heterosexual contraceptive intercourse and homosexual marriage.<sup>59</sup>

Technically, Kant leaves these casuistical questions unanswered, but he seems to lean toward permitting married heterosexuals to engage in sex when there is no procreative potential in an individual sexual act. If so, the demands of nature do not carry the day. That concession must force Kant to retract his argument that masturbation is wrong because it contravenes nature's end of preserving the species. Whether this concession also commits Kant to blessing contraception is unclear; his not discussing this option is disappointing.<sup>60</sup> Did Kant avoid this issue because he sensed (as sensed by many today) that allowing married heterosexuals to use contraception comes very close to condoning homosexual marriage? The Vatican's position that infertile married couples may marry and engage in sex also comes close to condoning homosexual marriage. John Finnis's attempt to crack this nut does not appeal, as Kant does, to the nature-overriding value of sterile marital sex as a remedy against sin. Spouses, he says,

who unite their reproductive organs in an act of sexual intercourse which, so far as they can make it, is of a



kind suitable for generation, do function as a biological (and thus personal) unit and thus can be actualizing and experiencing the two-in-one-flesh common good and reality of marriage, even when some biological condition happens to prevent that unity resulting in generation of a child. Their conduct thus differs radically from the acts of a husband and wife whose intercourse is masturbatory, for example sodomitic or by fellatio or coitus interruptus. In law such acts do not consummate a marriage, because in reality (whatever the couple's illusion of intimacy and self-giving in such acts) they do not actualize the one-flesh, two-part marital good.<sup>61</sup>

I cannot discern a *radical* difference here, especially if the "masturbatory" couple's sexual intimacy and self-giving are not, as Finnis supposes they are, an "illusion." A good bout of anal intercourse biologically and personally unites a heterosexual couple or two male homosexuals into one flesh as much as a good bout of *sterile* coitus unites a married heterosexual couple into one flesh. That sterile heterosexual coitus *could* in some possible world--by the mere, insubstantial thread of its anatomical form--have been procreative would seem to mean nothing, by way of creating a union, to the couple that *knows* that all their copulations are doomed to be fruitless. And when their sexual ardor for each other begins to wane, as it must, they will then not even have a procreative reason to put their "reproductive organs" together, and all hope of relying on sex to reinforce their union, or what is left of it, is lost. The sterile plus sexually bored heterosexual couple is no better off than a sexually bored homosexual couple.<sup>62</sup>

### **III. Lectures on Ethics**

In the *Tugendlehre*, as we have seen, Kant asserted that "unnatural vice . . . debases [man] beneath the beasts." In the *Vorlesung*, Kant similarly says of the *crimina carnis contra naturam* that "they degrade us below the level of beasts."<sup>63</sup> This is the *leitmotif* of Kant's condemnation of sexual perversion in the *Vorlesung*. In the section of the *Vorlesung* that focuses on sexual perversion, "*Crimina Carnis*,"<sup>64</sup> Kant begins his account of the sexual vices by making a distinction reminiscent of Aquinas, between acts that are *crimina carnis secundum naturam* and acts that are *crimina carnis contra naturam*. Reviewing Aquinas on sexual vice is therefore worthwhile.

Aquinas distinguishes between two kinds of "sin of lechery," both of which "conflict with right reason."<sup>65</sup> "First, the act of its nature is incompatible with the purpose of the sex-act. In so far as generation is blocked, we have unnatural vice, which is any complete sex-act from which of its nature generation cannot follow."<sup>66</sup> Aquinas presents four categories of the sexually unnatural:

First, outside intercourse when an orgasm is procured for the sake of venereal pleasure; this belongs to the sin of self-abuse, which some call unchaste softness. Second, by intercourse with a thing of another species, and this is called bestiality. Third, with a person of the same sex . . . and this is called sodomy. Fourth, if the natural style of intercourse is not observed, as regards the proper organ or according to rather beastly and monstrous techniques.<sup>67</sup>

The *crimina carnis contra naturam* include, for Aquinas, masturbation (as in Kant, a "softness"), homosexuality, bestiality, and the heterosexual variations oral and anal sex--for in mouth/penis and anus/penis sexual activity, a nonprocreative (hence improper) organ is used, and a procreative organ is misused. Whether Aquinas condemns heterosexual contraceptive coitus is not clear; like Kant, he doesn't mention it. (Is that what Aquinas means by a "monstrous technique," or is he referring to sadomasochism, urolagnia, and coitus a tergo?) Aquinas is not content to list the four types of unnatural sexual vice; he places them in a hierarchy of sinfulness:

The gravity of a sin corresponds rather to an object being abused, than to its proper use being omitted. And so, to compare unnatural sins of lechery, the lowest rank is held by solitary sin, where the intercourse of one with another is omitted. The greatest is that of bestiality, which does not observe the due species. . . . Afterwards comes sodomy, which does not observe due sex. After this is the lechery which does not observe the due mode of intercourse.<sup>68</sup>

By the way, although this sexual practice does not appear in Aquinas's categorization and hierarchy, heterosexual promiscuous fornication, even when coital, is also, for him, against "nature" and violates "natural law."<sup>69</sup>

In addition to unnatural sex, there is a second kind of "sin of lechery." Aquinas says that a "conflict with right reason may arise" in sexual acts also "from the nature of the act with respect to the other party." His four examples are heterosexual incest, adultery, seduction, and rape.<sup>70</sup> These acts can be procreative, so they are not necessarily unnatural. They are still morally wrong, because they violate a justified social morality that recognizes harm-to-others as a serious moral consideration. Aquinas constructs yet another hierarchy, between the two types of "sin of lechery": "Since . . . unnatural vice flouts nature by transgressing its basic principles of sexuality, it is in this matter the gravest of sins."<sup>71</sup> The group consisting of bestiality, homosexuality, heterosexual variations, and masturbation is a worse group of sins (mortal) than the group consisting of incest, adultery, rape, and seduction (venial), because they are an affront to the wisdom of God's design.

Kant begins his discussion of the *crimina carnis* in the *Vorlesung* by making a distinction similar to Aquinas's:

*Crimina carnis* are contrary to self-regarding duty because they are against the ends of humanity. They consist in abuse of one's sexuality. Every form of sexual indulgence, except in marriage, is a misuse of sexuality, and so a *crimen carnis*. All *crimina carnis* are either *secundum naturam* or *contra naturam*. *Crimina carnis secundum naturam* are contrary to sound reason; *crimina carnis contra naturam* are contrary to our animal nature.<sup>72</sup>

Kant's examples of *crimina carnis secundum naturam* are heterosexual promiscuity, prostitution, concubinage, and adultery. Each of these heterosexual practices can be consistent with nature, but are "contrary to sound reason" by violating the Second Formulation: they treat the self or other as mere means to the subjective end of satisfying sexual inclination. (For Kant, incest is in some ways *secundum naturam*, in other ways *contra naturam*.)<sup>73</sup>

Kant's *Vorlesung* treatment of the *crimina carnis contra naturam* sounds like Aquinas's and (ignoring the chronology) looks like an extension to other practices of what Kant wrote about masturbation in the *Tugendlehre*:

Uses of sexuality which are contrary to natural instinct and to animal nature are *crimina carnis contra naturam*. First among them we have onanism. This is abuse of the sexual faculty without any object, the exercise of the faculty in the complete absence of any object of sexuality. The practice is contrary to the ends of humanity and even opposed to animal nature. By it man sets aside his person and degrades himself below the level of animals.<sup>74</sup>

Kant does not mention that the masturbator might create an object through imagination. What the masturbator does is to have a sexual experience without any worldly object (Aquinas) and hence cannot preserve the species. But notice that Kant says that masturbation "is contrary to the ends of humanity *and even* opposed to animal nature," as if its being contrary to nature is of independent and secondary moral importance. What seems crucial for Kant is that masturbation "is contrary to the ends of humanity," that is, directly violates the Second Formulation.

Kant immediately continues by completing his sparse inventory of three objectionable, sexually unnatural, practices:

A second *crimen carnis contra naturam* is intercourse between *sexus homogenii*, in which the object of sexual impulse is a human being but there is homogeneity instead of heterogeneity of sex. . . . This practice too is contrary to the ends of humanity; for the end of humanity in respect of sexuality is to preserve the species without debasing the person; but in this instance the species is not being preserved (as it can be by a *crimen carnis secundum naturam*), but the person is set aside, the self is degraded below the level of the animals, and humanity is dishonoured. The third *crimen carnis contra naturam* occurs when the object of the desire is in fact of the opposite sex but is not human. Such is sodomy, or intercourse with animals. This, too, is contrary to the ends of humanity and against our natural instinct. It degrades mankind below the level of animals, for no animal turns in this way from its own species.<sup>75</sup>

Kant's criticism of masturbation, homosexuality, and bestiality is similar to his arguments against masturbation in the *Tugendlehre*. Questions about why it is wrong to behave, sometimes, in a way contrary to nature, and what it is about some sexual practices that defile the humanity in one's person, or are degrading, are not addressed. But the emotive content of the *Tugendlehre* is arguably exceeded by the emotive content of the *Vorlesung*:

All *crimina carnis contra naturam* degrade human nature to a level below that of animal nature and make man unworthy of his humanity. He no longer deserves to be a person. From the point of view of duties towards himself such conduct is the most disgraceful and the most degrading of which man is capable. Suicide is the most dreadful, but it is not as dishonourable and base as the *crimina carnis contra naturam*. It is the most abominable conduct of which man can be guilty. So abominable are these *crimina carnis contra naturam* that they are unmentionable, for the very mention of them is nauseating. . . . These vices make us ashamed that we are human beings and, therefore, capable of them, for an animal is incapable of all such *crimina carnis contra naturam*.<sup>76</sup>

I wonder what Kant would have made of the Bonobo, if knowing about their human-like "perverted" sexual acts would have tempered his conclusion that when humans engage in *crimina carnis contra naturam* they behave lower than, or different from, the beasts.<sup>77</sup> What would Kant have said about the Etoro and the Sambia, New Guinea tribes that practice "fellatio insemination"?<sup>77a</sup>

Kant and Aquinas (to whom Kant never refers) have much in common in their treatments of sexual vice, but there are significant differences. Aquinas includes, as a fourth category of sexually unnatural act, heterosexual variations (oral and anal sex). This category is never mentioned by Kant in the *Tugendlehre* or the *Vorlesung*. If Kant's argument in the *Vorlesung* against masturbation, homosexuality, and bestiality is that they are contrary to nature's end of the preservation of the species, why are these heterosexual variations not included? Heterosexual oral sex should be condemned equally by his argument. Does the *mere* fact that they are *heterosexual* make them natural, even though not procreative? Kant never proposes such an alternative and

arbitrary notion of the natural. Or does Kant think that the heterosexual variations may be performed, but only in marriage, and either the legality or morality of marriage blesses them? The marriage debt, Kant might say, makes it permissible for spouses to engage in these unnatural acts in order to keep Satan away. We saw that his discussion of nonprocreative marital sex in the "Casuistical Questions" leaned toward permitting spouses to engage in sex even when there is no procreative potential--sterility, pregnancy, and now, perhaps, oral sex. But, if so, the argument against nonmarried people engaging in oral sex (or other acts contrary to nature) cannot plausibly be that the acts are unnatural; the argument must be that the acts, occurring outside marriage, in that way directly violate the Second Formulation.

Second, Aquinas provides a hierarchy of sinfulness among unnatural sexual acts: the worst is bestiality, followed, in order of decreasing sinfulness, homosexuality, heterosexual variations, and masturbation. Kant offers no hierarchy in the *Vorlesung*; he considers masturbation, homosexuality, and bestiality all of a piece, in that they all debase us below the level of animals. Perhaps Thomas's construction of a hierarchy is just a scholastic exercise. But there is a point in distinguishing masturbation from bestiality, in Kant's own terms, as being threats of different magnitude or kind to one's humanity. Masturbation and bestiality do not deserve the same criticism, and this is a weakness of Kant's argument against them. Note that neither Kant nor Aquinas saw bestiality primarily as harm-to-others (the animals) or as rape. Such was their underdeveloped view of lower animals.<sup>78</sup> Nor do they consider the other unorthodox view, that some animals might enjoy and willingly engage in sex with humans.

Aquinas claims that both types of sexual sin, the *secundum naturam* and the *contra naturam*, violate "right reason." In the *Vorlesung*, Kant apparently claims this about only the *secundum naturam*, not the *contra naturam*. But we saw that Kant, in the *Tugendlehre*, ultimately bases his case against masturbation (see his "the *ground of proof*") on the rational considerations provided by the Second Formulation. Kant does the same thing in the *Vorlesung*, even though he makes us hunt for the rational "ground of proof" in the earlier sections on duties to oneself, instead of providing it explicitly in "*Crimina Carnis*." Let us now piece together his *Vorlesung* "ground of proof."

In an earlier section of the *Vorlesung*, "Duties to Oneself," Kant discusses human freedom and under what conditions it should be restricted. "The *fundamental* rule," Kant says,

in terms of which I ought to restrain my freedom, is the conformity of free behaviour to the essential ends of humanity. I shall not then follow my inclinations, but bring them under a rule. He who subjects his person to his inclinations, acts contrary to the essential end of humanity; for as a free being he must not be subjected to inclinations, but ought to determine them in the exercise of his freedom.<sup>79</sup>

In order that we not treat ourselves and others merely as means to our subjective ends, and in order that we make proper use of our humanity, that is, our rational autonomy, we must bring the satisfaction of the inclinations under a set of rules established by our rational autonomy itself. Kant's "fundamental" principle that the satisfaction of inclinations must be rule-governed is attractive and commonsensical. Here is how Kant defends it:

In the case of animals inclinations are already determined by subjectively compelling factors; in their case . . . disorderliness is impossible. But if man gives free rein to his inclinations, he sinks lower than an animal because he then lives in a state of disorder which does not exist among animals. A man is then in contradiction with the essential ends of humanity in his own person.<sup>80</sup>

This way of supporting his principle allows Kant to conclude, in "*Crimina Carnis*," that the *crimina carnis contra naturam* deny man's rational autonomy and place him below the beasts, for by engaging in these practices a man is giving "free rein" to his inclinations, has not brought them under a rule determined by his rational autonomy. Such is the "ground of proof" that constitutes Kant's condemnation of sexual perversion in the *Vorlesung*.

Kant proceeds, however, to move from this consideration to another consideration, in order to support in a slightly different fashion the principle of the required rule-restriction of the satisfaction of inclination:

In the unregulated pursuit of an inclination . . . , man becomes an object of utter contempt, because his freedom makes it possible for him to turn nature inside out in order to satisfy himself. Let him devise what he pleases for satisfying his desires, so long as he regulates the use of his desires; if he does not, his freedom is his greatest misfortune. It must therefore be restricted . . . by itself. The *supreme* rule is that in all the actions which affect himself a man should so conduct himself that every exercise of his power is compatible with the fullest employment of them.<sup>81</sup>

The "fundamental" (or "supreme") principle now is not merely that the satisfaction of inclination must be rule-governed, but that "every exercise of his power [of rational autonomy] is compatible with the fullest employment of them." The connection seems to be that without rule-restriction of inclination-satisfaction, we cannot achieve the ends of humanity, that is, the fullest employment of our humanity-defining power, our rational autonomy.

We would like to apply Kant's principle to the *crimina carnis contra naturam*. What does the "ground of proof" imply for masturbation, homosexuality, and bestiality? But when Kant provides examples, we are given very little to work with:

Let us illustrate our meaning with examples. If I have drunk too much I am incapable of using my freedom and powers. Again, if I kill myself, I use my powers to deprive myself of the faculty of using them.<sup>82</sup>

For example, if I have drunk too much today, I am incapable of making use of my freedom and my powers; or if I do away with myself, I likewise deprive myself of the ability to use them.<sup>83</sup>

Neither example shows us how to apply Kant's rational "ground of proof" to the *crimina carnis contra naturam*. Suicide can be condemned easily; it is the extreme case of throwing away one's power. But masturbation and homosexuality do not destroy one's rational autonomy. Nor do they even threaten it, if carried out in moderation, that is, in a properly rule-restricted way, governed by rational autonomy itself. Perhaps the only sexual lifestyle prohibited, in virtue of giving "free



rein" to the sexual inclinations, would be a continual, years-long, sexual orgy carried out by the Marquis de Sade, his colleagues, and their hapless victims.

Further, Kant's example of drunkenness shows only that excessive masturbation and homosexuality, and not any particular instance(s) of the sexually unnatural, is morally questionable. Kant mentions this example again later in the *Vorlesung*:

To depart in either respect [eating, drinking] from the path of moderation is a breach of a duty to ourselves. . . . [T]he vices of over-eating and over-drinking are bestial and degrade man. There are some vices which stand outside the pale of human nature and cannot be reconciled with the nature and character of man. . . . By his bestial vices man degrades himself below the level of beasts. . . . [A]mongst [them] we have gluttony, drunkenness, and the *crimina contra naturam*. All bestial vices are utterly contemptible.<sup>84</sup>

Kant, however, provides no argument that masturbation and homosexuality *should* be likened to gluttony and drunkenness; they are all arbitrarily tossed into the same bag. What we get is the undefended assertion that sexually unnatural acts are not sufficiently rule-governed, which is the fault of gluttony and drunkenness. Maybe we should push Kant into equating drunkenness and the state of sexual desire or arousal, whether imagination- or object-induced: being drunk and experiencing sexual desire disrupt (temporarily, unlike suicide) the use of one's rational autonomy. But this equation does not provide a specific "ground of proof" against the *crimina carnis contra naturam*. It tells against all experiences of sexual desire, natural or unnatural, all of which can cloud the mind and interfere with rational, autonomous decision making or ends-setting. The argument would also prohibit marital sexual desire, which is agitating enough, at least early in a marriage, to disrupt one's rational autonomy. Maybe, then, Kant must insist that marriage involves permissible sex only when that sex is no longer exciting enough to make us temporarily less rationally autonomous. The only permissible marital sex is boring marital sex.<sup>85</sup> This rule-restriction on the satisfaction of the sexual inclination is even more narrow than the one actually offered by Kant.

Kant's conclusion about rule-restricted sexuality is that sexual activity must be confined to a heterosexual, monogamous, lifelong marriage.<sup>86</sup> This narrow rule, if rationally justified, condemns successfully the *crimina carnis contra naturam* Kant discusses in the *Vorlesung*, but this narrow rule does not seem to follow from the "ground of proof." Many sexual acts or lifestyles that are not heterosexual, monogamous, or marital do not make me "incapable of using my freedom and powers" or "deprive myself of the faculty of using them"; masturbation and homosexuality are not generally cases of sexuality given "free rein" without rational restrictions.<sup>87</sup> Violation of Kant's rule within limits (without excess) seems not to threaten the use and preservation of rational autonomy. As the economic, social, and psychological lives of many homosexuals show, our rational capacities are not that fragile. Thus some contemporary philosophers have concluded that Kant's rule is too restrictive in his own terms, that more lenient constraints on the satisfaction of sexual inclination are consistent with the Second Formulation.<sup>88</sup>

Given what Kant claims about the meager status of the masturbator and homosexual, that they are below the beasts and no longer deserve to be persons, we would have expected a better treatment by him of the principle(s) by which these practices are to be so severely condemned. (I suppose Kant was led here mostly by emotional disgust at the *crimina carnis contra naturam*.) This failure to provide a more solid principled foundation for his judgments about sexual perversion is especially surprising, since Kant's intellectual gay-bashing is supplemented, in effect, by the advocacy of physical gay-bashing:

Man can only dispose over things; beasts are things in this sense; but man is not a thing, not a beast. If he disposes over himself, he treats his value as that of a beast. He who so behaves, who has no respect for human nature and makes a thing of himself, becomes for everyone an Object of freewill. We are free to treat him as a beast, as a thing, and to use him for our sport as we do a horse or a dog, for he is no longer a human being.<sup>89</sup>

We can dispose of things which have no freedom but not of a being which has free will. A man who sells himself makes himself a thing and, as he has jettisoned his person, it is open to anyone to deal with him as he

pleases. Another instance of this kind is where a human being makes himself a thing by making himself an object of enjoyment for some one's sexual desire.<sup>90</sup>

Kant's sadistic *leitmotif* permits if not encourages treating as lower than animals the animals or things that the masturbator and the homosexual, by their own deliberate choices, have become.

#### IV. *Sitting in Kant's Classroom*

I am drinking coffee and reading at a café near the university where I teach philosophy. At the next table is a small group of undergraduates, girls and boys, in their first semester of study. They are talking about sex; the topic arose because some of them are taking a popular course on human sexuality offered by the psychology department. They are not talking in hushed tones or using euphemisms or delicate language (as urged by Kant),<sup>91</sup> but loudly, brazenly, without any consciousness of treading in dangerous or offensive waters. Maybe they are deliberately ignoring conventions of discretion by making their speech accessible for anyone who wishes (or does not wish) to listen, as if decreeing their new freedom, granted by the university, to talk about anything cacophonously in public. Their sex-talk consists of stories (not full-blown histories, or intricate biographies, which they do not realize are more illuminating) they have heard about, snippets of tales of--for them--unusual sexual practices. They are not gossiping about the suspected homosexuals in their classes and their atypical mannerisms or fashion. These students are too politically correct and sophisticated to question homosexuality (in the presence of others, at least). As they recite these anecdotes, they are not expressing fear of, or Kantian disgust at, the sexually bizarre. (Kant's term 'loathsome' would never occur to them.) Nonetheless, as they recite their tales of sexual perversion, they are caught up in spontaneous spells of derisive, mocking laughter--not enlightened laughter at The Human Condition, but caustic amusement, a self-righteous laughter at those people they label 'pervs' and 'perverts'.<sup>92</sup> The tolerant message, the underlying *principles*, of their emancipatory psychology course has been lost on them.

One girl in particular found it unremittingly ridiculous--as her culminating contribution to the stream of stories went--that an older man sexually enjoyed receiving an enema from a woman, and that this procedure was the whole route to his sexual happiness. Not the mild and ambiguous "kinky," or "different strokes for different folks," was her

judgment, but "what a sickie!" Hers was not a moral but psychological condemnation: what a screwed-up person that old man must be, not someone to fear, but to laugh at. Had this vastly undereducated girl ever read Francis Bacon's *Novum Organum*? Would her acknowledgment of Bacon's supreme achievement in that book and elsewhere--despite his penchant for enemas administered by his man servants<sup>93</sup>--have tempered her hilarity and automatic dismissal of the sexual enema? It should have revealed to her the complexities of The Human Condition, that we can both write great books and enjoy eccentric sexual practices--maybe at the same instant.

How did I respond, hearing this talk? I felt offended and pained, felt that the laughter was directed at me, not because I enjoy sexual enemas, but because if these students knew of my 'pervy' tastes they would have also laughed at me. I commiserated with the older man they laughed at, identifying with his pain at sensing their laughter. But I also felt anger at this girl, an ignorant loudmouth, one who has some knowledge *that* regarding sex, but little of the knowledge *how*. "She was of that very large company of women who at an early age are sexually knowledgeable without being sexually experienced, and even now the adolescent outlook persisted."<sup>94</sup> Miss Uppity needed to be pulled down a few notches. At least, she needed a good dose of Mill's *On Liberty*, something omitted from her study of psychological and behavioral facts *ad infinitum et libitum*. I notice this girl occasionally at the same café and am tempted to sit down at her table, uninvited, to ask her if she has at long last (after two more years of college!) come to appreciate Daphne Merkin's truth: "we are all fated to inhabit sexual islands of our own idiosyncratic making. . . . [E]rotic imaginations have always been as diverse as thumbprints."<sup>95</sup> Has she finally, through a Millian experiment in living, discovered with her boyfriend(s) or girlfriend(s) the sensual joys that her lower bowels or anus can provide? Has she become more understanding of The Human Condition, so that even if she continues to laugh gently at Bacon and the enema man, she can also laugh at herself and the singular touches that give her a special thrill? But I will not confront her about her thumbprints. I remember her shrill ridiculing laughter and do not want to experience that pain again. And why should I cause *her* any pain, for who among us (including this youngster) does not have one embarrassing sexual secret, or is not embarrassed by one's sexuality itself, and would not be hurt being grilled about it? Yet, if by chance she stumbles into my philosophy of sex class, I will have a

chance to put her bottom on the hot seat by assigning a paper: Discuss the Morality of Sexual Enemas.

What was it like to listen to the distinguished Kant lecture on sexual perversion, to sit in Kant's classroom in 1780, hearing his emotional, weakly-argued condemnation of masturbation and homosexuality, and copying it into a notebook?<sup>96</sup> Did his students titter? Was tittering tolerated in the German classroom? Did they at least roll their eyes? Were they disgusted, along with Kant, at homosexuality, or were they disgusted by his disgust? (Are my students disgusted, along with me, by homophobia, or are they disgusted by my being disgusted?) And those in his classes who masturbated or were homosexual, how did they respond? Consider the pain of hearing oneself accused in the strongest terms of being lower than a beast, and being accused by no less an authority than Professor Kant. His diatribe against homosexuality is little more than intellectual gay-bashing. Thus I imagine the profound fear felt by his targets who attended his lectures. I wonder if I would have had the courage to confront Kant in class, if I would have had the manly balls of my rational autonomy to do what the lesbian sadomasochist Pat Califia does:

If I am going to be called all those bad names anyway, I might as well be the first one to spread the good news. When you come out, you make yourself vulnerable to disapproval, criticism, and discrimination. But you also get to define your own terms. You get to go first and be the one to say who you are and what that means. And after you've already admitted in public that you're a hopelessly twisted slut, what are your detractors going to do?<sup>97</sup>

I don't know if I would have been able to confess my own 'pervy' sexuality in Kant's auditorium. Maybe it is only from the comfortable, far away position of the early 21st-century that I feel safe calling Kant's account of sexual perversion a clunker concocted by a *kisöreg*.

### Notes

1. *The Metaphysics of Morals*, trans. Mary Gregor (Cambridge, Eng.: Cambridge University Press, 1996), p. 108 (hereafter: Gregor, *MOM*).

2. Gregor, *MOM*, p. 109.

3. 'Kisöreg' is an impolite Hungarian word used to refer to an antediluvian male specimen.
4. *Lectures on Ethics*, trans. Louis Infield (Indianapolis, Ind.: Hackett, 1963), p. 156 (hereafter: Infield, *LOE*).
5. Infield, *LOE*, pp. 149-50. See also a more recent edition of the *Vorlesung: Lectures on Ethics*, trans. Peter Heath (Cambridge, Eng.: Cambridge University Press, 1997), pp. 145-46 (hereafter: Heath, *LOE*). This edition is based on lecture notes dated 1784-85, but they are very close to the notes used in the Infield edition.
6. Kant's view had been rejected by Augustine: "But why should he that hath done no man evil, do himself evil, and by destroying himself, destroy an innocent man, for fear to suffer injury by the guilt of another, and procure a sin unto himself, by avoiding the sin of another?" (*The City of God*, R. V. G. Tasker, ed., volume 1 [London, Eng.: J. M. Dent & Sons, 1945], bk. I, chap. 17, p. 21). Augustine claimed about the rapes of Christian women, and also Lucretia (*City of God*, bk. I, chaps. 15-19, pp. 20-25), that the "sanctimony of the will, if it remains firm and inviolate, what way soever the body be disposed of or abused . . . , this sufferance layeth no crime upon the soul. . . . Tush, another's lust cannot pollute thee. . . . What man of wit [Kant!] will think he loseth his chastity, though his captivated body be forcedly prostitute unto another's bestiality?" (pp. 20-21). In asserting Lucretia's sexual innocence, Augustine agrees with my criticism of Kant. But Augustine also thought that Lucretia's suicide was wrong, agreeing with Kant, but for a different reason: "Thou shalt not kill" applies to every case (p. 25). "This Lucretia being innocent, chaste, and forcibly wronged, even by Lucretia's self was murdered" (p. 23). "Whosoever kills himself is guilty of homicide" (p. 21).
7. Infield, *LOE*, p. 119; see Heath, *LOE*, pp. 123-24.
8. Kant was writing what we would consider sexist accounts of women as early as 1764, in *Observations on the Feeling of the Beautiful and Sublime*, trans. John T. Goldthwait (Berkeley, Cal.: University of California Press, 1960). See, especially, Section Three, pp. 76-96.
9. Gregor, *MOM*, p. 178. The subsection title is translated "Concerning Wanton Self-Abuse" by James Ellington, *The Metaphysical Principles of Virtue: Part II of the Metaphysics of Morals* (Indianapolis, Ind.: Bobbs-

Merrill, 1964), p. 85; and as "Of Self-Defilement" by J. W. Semple, *The Metaphysics of Ethics* (Edinburgh, Scot.: T. & T. Clark, 1869), p. 231. Both translations suggest that Kant's target is masturbation. In her earlier translation of the *Tugendlehre*, Gregor rendered the title "On Carnal Self-Defilement" (*The Doctrine of Virtue: Part II of the Metaphysic of Morals* [New York: Harper Torchbooks, 1964], p. 87). In her *Laws of Freedom: A Study of Kant's Method of Applying the Categorical Imperative in the Metaphysik der Sitten* (New York: Barnes and Noble, 1963), Gregor labels this the "Self-Abuse" subsection (p. 139; see p. 130).

10. The phrase "sexual love" here seems wrong, for it is not sexual *love* that nature uses to preserve the species, but the unadorned desire for heterosexual coitus. Ellington, in *Metaphysical Principles of Virtue*, also translates the phrase "sexual love" (p. 85). Semple's translation, in *Metaphysics of Ethics*, by using "love" generically, is more judicious: "As the love of life is bestowed upon us for the preservation of our person, so the love of sex for the continuance of our kind" (p. 231). "Love of sex" here is a love-independent "desire" or "inclination" for sex.

11. Gregor, *MOM*, p. 178. Kant mentions several times that nature's sexual end is the preservation of the species. For example, "nature aims at . . . the preservation of the species" (Gregor, *MOM*, p. 175).

12. *Groundwork of the Metaphysic of Morals*, trans. H. J. Paton (New York: Harper Torchbooks, 1964), p. 96.

13. The role of the duty to the humanity in one's person in Kant's treatment of human sexual behavior is his central concern, throughout the *Lectures* and the *Metaphysics*. This interpretive claim runs counter to many readings of Kant, e.g., Michael Ruse: "Speaking of sexuality generally, Kant argued that the danger in any erotic encounter lies in the using of one's partner simply as [a means] to one's own (orgasmic) end" (*Homosexuality: A Philosophical Inquiry* [Oxford, Eng.: Basil Blackwell, 1988], p. 193; see p. 185). But "the danger" for Kant (as it was for Augustine) was equally, if not more so, to the integrity of one's humanity in having one's rational autonomy overcome by sexual desire (which can occur with or without a partner) and in willingly making oneself a sexual object for another person. That is, Kant subsumes his treatment of human sexuality mostly under the duty-to-self clause of the Second Formulation, not the duty-to-others clause. (Kant discusses

sexuality soon after he discusses "Duties to Oneself" in the *Vorlesung* and well before he gets to "Duties Towards Others.") Kant's argument that sexual activity is permissible only in marriage turns on a duty-to-self regarding the sexual impulse, not on a duty to the other who might otherwise be merely used by one's desire: "there arose from one's duty to oneself, that is, to the humanity in one's own person, a right . . . of both sexes to acquire each other as persons *in the manner of things* by marriage" (Gregor, *MOM*, p. 64). What Kant claims is that due to a duty-to-self, I may not enter into sexual relations with another person unless I can save my personhood; the other, likewise, may not enter into sexual relations with me unless she can save her personhood; and each of us can accomplish that only by the exchange of rights to our persons that constitutes marriage. It is not the right to use the other sexually that is my goal, although I do gain that right; my goal is to preserve my humanity in face of the loss of autonomy that accompanies my sexual desire and in face of my tendency to treat myself, and allow the other to treat me, as a thing.

14. Gregor, *MOM*, p. 178; italics added to "the question."

15. Gregor, *MOM*, pp. 178-79 (the first bracketed addition is mine, the second is Gregor's). The end of the sentence reads: "and indeed to an end even more important than that of love of life itself, since it aims at the preservation of the whole species and not only of the individual."

16. Infield, *LOE*, p. 212. The scripture Kant quotes is Matthew 5:28.

17. Infield, *LOE*, p. 142; see Heath, *LOE*, pp. 140-41.

18. Charles Kielkopf thinks that Kant on "the role of the imagination in an unnatural act" is a "very insightful allegation" ("Masturbation: A Kantian Condemnation," *Philosophia* 25: 1-4 [1997], pp. 233-46, at p. 224). I discuss Kielkopf (below, n. 87). Gregor ignores the imagination passage in her comprehensive discussion of this subsection of the *Tugendlehre* (*Laws of Freedom*, pp. 139-42), as does Lara Denis, in her "Kant on the Wrongness of 'Unnatural' Sex," *History of Philosophy Quarterly* 16:2 (1999), pp. 225-48.

19. *Sexual Desire: A Moral Philosophy of the Erotic* (New York: Free Press, 1986), p. 317. Scruton's definition of the first masturbator is naive: the person in "sexual isolation" hardly limits his fantasies to "copulation," if he thinks about it at all. My suspicion is that the sexually



deprived masturbator thinks about the arousing parts of another's body and the other's sexual desire and arousal. See chapter 1 of my *Pornography, Sex, and Feminism* (Amherst, N.Y.: Prometheus, 2002).

20. *Sexual Desire*, p. 317.

21. *Sexual Desire*, p. 318.

22. *Sexual Desire*, p. 318.

23. *Sexual Desire*, p. 344.

24. *Sexual Desire*, pp. 318-19.

25. *Sexual Desire*, p. 319. Scruton quotes Gregor's earlier 1964 translation of the *Tugendlehre*.

26. "If the thoughts of the 'perverted' masturbator are obscene, so too is the act of masturbation, even in the 'normal' case. For masturbation involves a concentration on the body and its curious pleasures" (*Sexual Desire*, p. 319).

27. *Sexual Desire*, pp. 83-85, p. 290.

28. Jean-Jacques Rousseau, *The Confessions*, trans. J. M. Cohen (New York: Penguin Books, 1979), pp. 108-109.

29. John Stoltenberg, *Refusing to Be a Man* (Portland, Ore.: Breitenbush Books, 1989), accepts Rousseau's idea enthusiastically. What is morally wrong with masturbation, for Stoltenberg, is that it involves fantasizing about another person sexually, which *is* objectification, and so he criticizes men's masturbating even with memories of and passing thoughts about women (pp. 41-44). His reason is Kantian: a man's conjuring an image of a woman's body is to view her merely as a thing. Thus Stoltenberg answers Robert Nozick's sarcastic question--"In getting pleasure from seeing an attractive person go by, does one use the other solely as a means? Does someone so use an object of sexual fantasies?" (*Anarchy, State, and Utopia* [New York: Basic Books, 1974], p. 32)--with "yes." Not even Kant offered this Kantian argument against sexual fantasy. (For more on Stoltenberg, see my *Sexual Investigations* [New York: New York University Press, 1996], pp. 96-99.)

30. In *On History*, Lewis White Beck, ed. (Indianapolis, Ind.: Bobbs-Merrill, 1963), pp. 53-68, at pp. 55-56.

31. "Conjectural Beginning," pp. 56-57.

32. Gregor, *MOM*, p. 179. It is noteworthy that Gregor, in her writings, never uses the word 'masturbation', always referring to the act that Kant, too, refuses to name, as 'self-abuse' (see n. 9, above).

33. Michael Slote ("Inapplicable Concepts and Sexual Perversion," in Robert Baker and Frederick Elliston, eds., *Philosophy and Sex*, 1st edition [Buffalo, N.Y.: Prometheus Books, 1975], pp. 261-67) has suggested that

[T]he kinds of acts people call unnatural are those that most people have some impulse toward that they cannot or will not admit to having. . . . [S]exual behavior for which we ourselves have repressed inner impulses is what comes to be called "unnatural." By calling it "unnatural" we think of it as banished to a world other than ours, and this helps to reassure us that the impulse toward such behavior is not *in us*. (p. 263)

By reiterating the unnaturalness of masturbation, Kant could cope with his own disposition to masturbate and reassure himself, "I'm OK," despite his lewd fantasies. Kant would thus be an exception to Slote's qualification: "psychologically educated people are less willing to speak about unnatural behavior than most people are. Such people are . . . willing to concede the existence of impulses toward incest, homosexuality, and so on, in themselves" (p. 264). Or perhaps Kant was not sufficiently "psychologically educated" about himself or others.

34. Gregor, *MOM*, p. 179.

35. Gregor, *MOM*, p. 177.

36. "Every form of sexual indulgence, except in marriage, is a misuse of sexuality, and so a *crimen carnis*" (Infield, *LOE*, p. 169). Kant's contemporary spokesperson is John Finnis, who claims that there are morally worthless sexual acts in which "one's body is treated as instrumental for the securing of the experiential satisfaction of the conscious self." When is sex obnoxiously instrumental? Finnis immediately mentions, creating the impression that these acts are his

primary targets, that "in masturbating, as in being . . . sodomized," the body is merely a tool of satisfaction. As a result of one's body being used, a person undergoes "disintegration": in masturbation and homosexual anal coitus, "one's choosing self [becomes] the quasi-slave of the experiencing self which is demanding gratification." How do sexual acts other than sodomy and masturbation avoid this disaster? Finnis says that they *don't*; the disintegration that attaches to sodomy attaches to "all extramarital sexual gratification." The physical character of the act of the masturbator or sodomite is therefore not the decisive factor; the division between the wholesome and the worthless is, for Finnis (as for Kant), between "conjugal activity" and everything else.

For material quoted above, see Finnis's portion of "Is Homosexual Conduct Wrong? A Philosophical Exchange" (with Martha Nussbaum), in Alan Soble, ed., *Philosophy of Sex*, 3rd edition (Lanham, Md.: Rowman and Littlefield, 1997), pp. 89-94. For a more detailed statement of Finnis's view, see "Law, Morality, and 'Sexual Orientation'," *Notre Dame Law Review* 69:5 (1994): 1049-76. There Finnis says about any sex between unmarried people, but especially homosexuals, that

their reproductive organs cannot make them a biological (and therefore personal) unit. . . . Because their activation of one or even each of their reproductive organs cannot be an actualizing and experiencing of the *marital good* . . . it can do no more than provide each partner with an individual gratification. For want of a *common good* that could be actualized and experienced *by and in this bodily union*, that conduct involves the partners in treating their bodies as instruments to be used in the service of their consciously experiencing selves; their choice to engage in such conduct thus dis-integrates each of them precisely as an acting person. (pp. 1066-67)

As Scruton makes the point (about obscenity and perversion), "we confront the mystery of incarnation, and . . . we suffer that dangerous shift of attention which is the mark of original sin--the shift from the embodied person to the dominating and dissolving body" (*Sexual Desire*, p. 139).

For criticism of Finnis, see Paul J. Weithman, "A Propos of Professor Perry: A Plea for Philosophy in Sexual Ethics," *Notre Dame Journal of*

*Law, Ethics and Public Policy* 9 (1995), pp. 75-92, and his "Natural Law, Morality, and Sexual Complementarity," in David M. Estlund and Martha C. Nussbaum, eds., *Sex, Preference, and Family: Essays on Law and Nature* (New York: Oxford University Press, 1997), pp. 227-46. See also my *Sexual Investigations*, pp. 99-102, and *The Philosophy of Sex and Love* (St. Paul, Minn.: Paragon House, 1998), pp. 59-61.

37. Gregor suggests, in the introductory essay to her 1964 translation of the *Tugendlehre*, that "It would appear that, at least according to Kant's original plan, nature and its purposes have no moral significance of their own and play no part in the moral proof itself [regarding sexuality]. Their relevance lies only in the fact that they coincide with the objective ends of an animal-moral being and so can be used as a device for popularizing applied moral philosophy" (pp. xxxii-xxxiii). Gregor's similar, but more complete discussion of the matter, is in *Laws of Freedom*, pp. 128-47. Denis provides a superb discussion of the limited use of "nature" for Kant in the sexual passages of the *Vorlesung* and *Tugendlehre* ("Kant on the Wrongness of 'Unnatural' Sex," pp. 233-39).

38. See Keith Ward, *The Development of Kant's View of Ethics* (Oxford, Eng.: Basil Blackwell, 1972), pp. 111-12; and Alan Donagan, *The Theory of Morality* (Chicago, Ill.: University of Chicago Press, 1977), p. 105.

39. Gregor, *MOM*, p. 180.

40. See Denis's contention that the Second Formulation cannot be employed to argue that masturbation is always morally wrong ("Kant on the Wrongness of 'Unnatural' Sex," p. 240). Ward suggests that Kant argued against masturbation in part by claiming that it "leads to sterility and early senility" (*The Development of Kant's View of Ethics*, p. 109); masturbation, like gluttony and drunkenness, destroys the body and mind and hence undermines one's humanity. But Kant's views about the debilitating effects of masturbation do not appear in the *Vorlesung* or *Tugendlehre*. They are found in the extremely late 1803 *Education* (trans. Annette Churton [Ann Arbor, Mich.: University of Michigan Press, 1960], pp. 117-18) and so cannot be assumed to play a role in Kant's position in his two earlier treatments of sexuality. The *Education* (see pp. 101, 115-18) exhibits, as well, Kant's wavering between a "nature's end" argument against masturbation and one based on the Second Formulation. Note that Kant claims in the *Education* (p. 118) that if faced with a choice between having sex with a girl and

masturbating, a young man would do much better opting for the first. That *can't* be right, given Kant's severe condemnation of unmarried sex on the basis of the Second Formulation.

41. Gregor, *MOM*, p. 179.

42. Gregor, *MOM*, p. 179. Kant does not argue that masturbation is worse than suicide *because* (as he had claimed earlier) nature's end in the preservation of the species is "more important" than nature's end in the preservation of the individual (Gregor, *MOM*, p. 179; see n. 15, above; contrast "Conjectural Beginning," text at n. 31, above). Did Kant withhold this argument because suicide interferes with nature's purpose in the preservation of the individual but masturbation does not interfere with the preservation of the species? It would have been more convincing for Kant to argue that suicide is morally worse than masturbation because it violates *both* ends of nature.

43. Ruse, *Homosexuality*, p. 201.

44. Gregor, *MOM*, p. 179. Gregor uses 'feeble' also in her 1964 translation of the *Metaphysics* (p. 89).

45. Semple, *Metaphysics of Ethics*, p. 233. Ellington's rendition, "the obstinate throwing away of one's life as a burden is at least not a weak surrender to animal pleasure" (*Metaphysical Principles of Virtue*, p. 87), also supports my point. There is one passage in which Gregor uses 'effeminate' in translating Kant: "Providing for oneself to the extent necessary to find satisfaction in living (taking care of one's body, but not to the point of effeminacy) belongs among duties to oneself" (Gregor, *MOM*, p. 201). Ellington, too, uses 'effeminacy' in translating this passage (*Metaphysical Principles of Virtue*, p. 116). So Kant was not unwilling to employ that smear. See also his use of it in the *Education*, pp. 44, 107.

46. Kant similarly contrasts suicide and the *crimina carnis contra naturam* in the *Vorlesung* (Infield, *LOE*, p. 124; Heath, *LOE*, p. 127).

47. Gregor, *MOM*, p. 62; italics added.

48. Gregor, *MOM*, p. 179.

49. Gregor, *MOM*, p. 179.

50. Gregor, *MOM*, p. 179.

51. Gregor, *MOM*, pp. 179-80.

52. See James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago, Ill.: University of Chicago Press, 1987); John T. Noonan, Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge, Mass.: Harvard University Press, 1986); and Pierre J. Payer, *The Bridling of Desire: Views of Sex in the Later Middle Ages* (Toronto, Can.: University of Toronto Press, 1993).

53. "When the idea that 'I may become a father'/'I may become a mother' is totally rejected in the mind and will of husband and wife nothing is left of the marital relationship, objectively speaking, except mere sexual enjoyment. One person becomes an object of use for another person" (Karol Wojtyla [Pope John Paul II], *Love and Responsibility* [New York: Farrar, Straus, Giroux, 1981], p. 239).

54. Kant says, in the last paragraph of "Casuistical Questions," while discussing another matter, that "benevolence . . . deter[s] one from carnal enjoyment" (Gregor, *MOM*, p. 180). He does not apply this insight to the case of a man who sexually takes his wife when she does not desire intercourse.

55. Gregor, *MOM*, p. 180.

56. Gregor, *MOM*, p. 62. See 1 Corinthians 7:3-4: "The husband should fulfill his marriage duty to his wife, and likewise the wife to her husband. The wife's body does not belong to her alone but also to her husband. In the same way, the husband's body does not belong to him alone but also to his wife."

57. Gregor, *MOM*, p. 62.

58. Edward O. Wilson identifies *four* purposes of sexuality: reproduction, pleasure, genetic diversity, and the cementing of the pair bond (*On Human Nature* [New York: Bantam, 1979], pp. 125-27, 143, 147). He argues that the "primary" function of sexuality is *neither* reproduction *nor* pleasure.

59. See, for example, Christine E. Gudorf, *Body, Sex, and Pleasure: Reconstructing Christian Sexual Ethics* (Cleveland, Ohio: Pilgrim Press, 1994), pp. 46, 65, 89, 114-15, 146-48.

60. Roger J. Sullivan asserts that in the *Tugendlehre* Kant "condemns contraception" (*Immanuel Kant's Moral Theory* [Cambridge, Eng.: Cambridge University Press, 1989], pp. 187-88). Kant never discusses contraception, so how does Sullivan know this? He seems to argue that Kant opposed contraception *just* because he claimed that nature's end was the preservation of the species. But the premise does not lead inexorably to the conclusion.

61. "Law, Morality, and 'Sexual Orientation'," p. 1068 (see also n. 36, above).

62. For further criticism of Finnis's position, see Andrew Koppelman, "Homosexual Conduct: A Reply to the New Natural Lawyers," in John Corvino, ed., *Same Sex: Debating the Ethics, Science, and Culture of Homosexuality* (Lanham, Md.: Rowman and Littlefield, 1997), pp. 44-57, at pp. 46-50. Consider, also, the similarly feeble view of John J. Hugo: "The Church's modern acceptance of the rhythm method for regulating childbirth does not diminish the force of this teaching [against contraception]. Such acceptance was tacit from the beginning in the sanction of permanently sterile marriages and marriages of the elderly. [AS: but didn't Augustine forbid or condemn such marriages?] These marriages *remain open to procreation*; limitations of nature here make it impossible or unlikely" (*St. Augustine on Nature, Sex and Marriage* [Chicago, Ill.: Scepter, 1969], p. 113; italics added). Pray tell, in what sense of "open" does sterile intercourse "remain open to procreation"? By divine intervention, or by a miracle?

63. Infield, *LOE*, p. 124; see Heath, *LOE*, p. 127. Kant says the same thing about suicide (Infield, *LOE*, pp. 150-51; Heath, *LOE*, p. 146).

64. Infield, *LOE*, pp. 169-71; Heath, *LOE*, pp. 160-62.

65. Thomas Aquinas, *Summa Theologiae* (Cambridge, Eng.: Blackfriars, 1964-76), vol. 43, 2a2ae, question 154 ("Specific Kinds of Lust"), article 1, p. 207.

66. Article 1, p. 207. By "complete," does Aquinas mean "ejaculatory" or merely "penetrative"?

67. Article 11, p. 245.

68. Article 12, p. 249.

69. Article 2, p. 213. For qualifications, see my *Sexual Investigations*, p. 252<sup>n32</sup>.

70. Article 1, p. 207.

71. Article 12, p. 247; see also p. 249.

72. Infield, *LOE*, p. 169.

73. Infield, *LOE*, pp. 168 and 169.

74. Infield, *LOE*, pp. 169-70. "*Onania* . . . obviously runs counter to the ends of humanity, and conflicts, even, with animal nature; man thereby forfeits his person, and degrades himself lower than a beast" (Heath, *LOE*, p. 161).

75. Infield, *LOE*, p. 170.

76. Infield, *LOE*, pp. 170-71.

77. See Frans B. M. de Waal, "Sex as an Alternative to Aggression in the Bonobo," in Paul Abramson and Steven Pinkerton, eds., *Sexual Nature Sexual Culture* (Chicago, Ill.: University of Chicago Press, 1995), pp. 37-56.

77a. See, on the studies of Gilbert Herdt, chapters 3 and 4 of my *Sexual Investigations*.

78. Denis points out that Kant had at his disposal several arguments against bestiality (which he did not employ) that have nothing to do with nature: "Just as cruelty toward animals must be condemned because it suggests a lack of sympathy and makes easier cruelty toward people, bestiality must be abhorred because we . . . cannot embrace the sexual use of animals without weakening our opposition to all coercive or unequal sexual relationships" ("Kant on the Wrongness of 'Unnatural' Sex," p. 241).

79. Infield, *LOE*, p. 122, italics added; see Heath, *LOE*, p. 126.



80. Infield, *LOE*, pp. 122-23; see Heath, *LOE*, p. 126.
81. Infield, *LOE*, p. 123, italics added; see Heath, *LOE*, p. 126.
82. Infield, *LOE*, p. 123.
83. Heath, *LOE*, p. 126.
84. Infield, *LOE*, p. 159; see Heath, *LOE*, pp. 152-53. Augustine, too, lumps sex, eating, and drinking together; all three are types of dangerous concupiscence. See *Confessions*, trans. F. J. Sneed (Indianapolis, Ind.: Hackett, 1993), book 10, sections 29-31 (pp. 193-97). But the equation can cut both ways: if masturbation *is* just like eating too much, there seems to be nothing about which to get upset or outraged.
85. Kant says about incest--but the point applies in general to sexuality--"Too close a connection, too intimate an acquaintance produces sexual indifference and repugnance" (Infield, *LOE*, p. 168). See also Scruton: "People who have lived together in domestic intimacy feel a peculiar revulsion at the thought of sexual contact between them" (*Sexual Desire*, p. 314; see p. 244).
86. Gregor, *MOM*, p. 62; Infield, *LOE*, p. 167; and see n. 13, above.
87. Charles Kielkopf ("Masturbation: A Kantian Condemnation") argues that masturbation violates Kant's principle that the satisfaction of sexual inclination must be rule-restricted. He does not mean that masturbation is a type of sexual gluttony; instead, he relies on what Kant says about the imagination in masturbation. Kielkopf is right that Kant's principle, "using a body. . . to pursue whatever inclination you choose is inconsistent with being a rule restricted seeker of sexual satisfaction" (p. 234), implies that "a key feature of rule restriction of sexual gratification is that no one has unrestricted access to the body of another for sexual satisfaction" (p. 239). I think this prohibits rape, but not a Roussevian 'mental rape'. Kielkopf's argument that masturbation is prohibited by Kant's principle is weak, because the violation of rule-restriction in masturbation, for Kielkopf, occurs in fantasy. "Masturbation [is] action in accordance with a maxim or policy of trying to 'beat' any system of sexual restraint. . . . Through self-stimulation and phantasies I can make [my] . . . sexual satisfaction whatever I choose regardless of any rules restricting such sexual satisfactions" (p. 237). "I could not honestly say that I was restricting myself from having whatever sexual conduct I

desired with a person if I entered a phantasy realm where that person's image became subject to my will in moments of passion" (p. 239). This exaggeration is required to apply Kant's principle of rule-restriction to masturbation. I *can* "honestly" say that while masturbating to images, I am not allowing myself "free rein" to any sexual contact with any person I want. (See n. 29, above, on Stoltenberg.)

88. Three philosophers who provide their own Kantian rule-restrictions on the satisfaction of the sexual impulse are Thomas Mappes, "Sexual Morality and the Concept of Using Another Person," in Mappes and Jane Zembaty, eds., *Social Ethics*, 4th edition (New York: McGraw-Hill, 1992), pp. 203-16; Bernard Baumrin, "Sexual Immorality Delineated," in Robert Baker and Frederick Elliston, eds., *Philosophy and Sex*, 2nd edition (Buffalo, N.Y.: Prometheus, 1984), pp. 300-11; and Alan Goldman, "Plain Sex," in Soble, ed., *Philosophy of Sex*, 3rd edition, pp. 39-55, at p. 51. For discussion of all three, see my "Sexual Use and What To Do about It: Internalist and Externalist Sexual Ethics," *Essays in Philosophy* 2:2 (2001), in my *Philosophy of Sex*, 4th edition (Lanham, Md.: Rowman and Littlefield, 2002), p. 225-258.

89. Infield, *LOE*, p. 151; see Heath, *LOE*, p. 147.

90. Infield, *LOE*, p. 124; see Heath, *LOE*, p. 127. See also Infield, *LOE*, p. 163; Heath, *LOE*, p. 156.

91. See Gregor, *MOM*, p. 179; Infield, *LOE*, pp. 170-71, 189.

92. In continuing to use 'pervert' and its congeners, these students show that they have not received the liberal message disseminated by some philosophers. Michael Slote says that 'sexual perversion' is an "inapplicable concept" ("Inapplicable Concepts and Sexual Perversion," p. 266); Graham Priest also calls it "inapplicable" (p. 370) and adds that "the notion of sexual perversion makes no sense" (p. 371) any longer ("Sexual Perversion," *Australasian Journal of Philosophy* 75:3 [1997], pp. 360-72); Igor Primoratz thinks that 'sexual perversion' is "a concept best discarded" (*Ethics and Sex* [London, Eng.: Routledge, 1999], pp. 63-66); Linda LeMoncheck wants to replace 'sexual perversion' with 'sexual difference' (*Loose Women, Lecherous Men: A Feminist Philosophy of Sex* [New York: Oxford University Press, 1997], p. 72,

80, 82-83); and Robert Gray submits that 'sexual perversion' should "be dropped from our sexual vocabulary" ("Sex and Sexual Perversion," in Soble, ed., *Philosophy of Sex*, 3rd edition, pp. 57-66, at p. 66). But these are philosophers speaking to an intellectual elite, and in the absence of exceptional circumstances their remarks will have no effect on the use of 'pervert' by ordinary people or the young students in the café. (In a recent evaluation of my philosophy of sex course, a student wrote that the professor "tries to push off his own perverted ideals . . . onto the class.") To castrate philosophically the accusations 'unnatural' and 'perverted', by calling them "inapplicable," is of no consolation to the accused.

93. See Graham Hammill, "The Epistemology of Expurgation: Bacon and *The Masculine Birth of Time*," in Jonathan Goldberg, ed., *Queering the Renaissance* (Durham, N.C.: Duke University Press, 1994), pp. 236-52.

94. Edmund Crispin, *The Case of the Gilded Fly* (New York: Avon, 1980), pp. 14-15.

95. Daphne Merkin, "Eros Redux," *The New Yorker* (27 December 1993 & 3 January 1994), pp. 154-59, at p. 154.

96. Kant's student, Reinhold Bernhard Jachmann, said about Kant's ethics lectures: "How often he moved us to tears, how often he forcibly shook our hearts, how often he raised our spirit and our feelings out of the fetters of selfish eudaimonism and up to the high self-consciousness of pure freedom of the will" (quoted in Allen Wood's "Translator's Introduction" to Kant, *Lectures on Philosophical Ethics*, trans. Allen W. Wood and Gertrude M. Clark [Ithaca, N.Y.: Cornell University Press, 1978], pp. 9-18, at pp. 16-17). But, as J. B. Schneewind relates, "Kant's audience consisted largely of unsophisticated boys, younger than present-day college students, usually away from their rural homes for the first time, and for the most part ill-educated" ("Introduction" to Heath, *LOE*, p. xvii).

97. Pat Califia, "Introduction: Or It Is Always Right to Rebel," in her *Public Sex: The Culture of Radical Sex* (Pittsburgh, Penn.: Cleis Press, 1994), pp. 11-26, at p. 13.

