Good Sex on Kantian Grounds, or A Reply to Alan Soble

Joshua Schulz
Marquette University

Follow this and additional works at: https://commons.pacificu.edu/eip
Part of the Philosophy Commons

Recommended Citation
Good Sex on Kantian Grounds, or A Reply to Alan Soble

Abstract. Immanuel Kant offers definitions of “sexual desire” and “sexual use” in the *Metaphysics of Morals* that occasion an inconsistency within his moral system, for they entail that sexual desire, as a natural inclination that is conditionally good, is also categorically objectifying, and thus *per se* immoral according to the second formulation of the Categorical Imperative. Following Alan Soble, various attempts to resolve the inconsistency are here criticized before more suitable, and suitably Kantian, definitions of these terms are offered. It is argued that these new definitions resolve the inconsistency.

“To behold virtue in her proper form is nothing other than to present morality stripped of any admixture of the sensible and of any spurious adornments of reward or self-love. By means of the least effort of his reason everyone can easily become aware of how much virtue then eclipses everything else that appears charming to the inclinations, provided his reason is not altogether spoiled for abstraction.” —Immanuel Kant

There came to me in a dream a stuttering crone, squint-eyed, clubfooted, both her hands deformed, and her complexion like a whitewashed stone.

I stared at her; and just as the new sun breathed life to night-chilled limbs, just so my look began to free her tongue, and one by one drew straight all her deformities, and warmed her dead face, till it bloomed as love would wish it for its delight. —Dante

I. Introduction and Dilemma

In the causitical question that ends Immanuel Kant’s discussion of marriage in the *Doctrine of Right*, Kant argues that sexual desire cannot be classed either as a merely sensitive pleasure (*Sinnenlust*) or as a completely intellectual pleasure, like delight (*zur Libe des Wohlgefallens*) or benevolence. Belonging rather to the faculty of desire, it admits of both sensual and intellectual characteristics insofar as it involves seeking “pleasure from the enjoyment of another person.”

Despite this line of argument, Kant infamously ignores his own classification of sexual desire in his discussions of sexual ethics. Sexual union, as Kant classifies the act elsewhere in the *Doctrine of Right*, is a *commercium sexuale*, “the reciprocal use that one human being makes of the sexual organs and capacities of another.” In saying this, Kant underhandedly removes any intellectual characteristics from sexual desire and reduces it to a merely physical appetite for an enjoyable thing
that, *per accidens*, also happens to be a person.\(^5\) Kant goes on to claim that sexual union has both a natural end of procreating and educating children, as well as a natural use, namely, the enjoyment of the sexual organs of another.\(^6\) Neither the end nor the use of sex, then, involves in any important or interesting way the fact that the bodies used for these purposes are also persons, since the overly broad notion of sex that Kant uses here could be found in any animal that mates in order to satisfy an appetitive desire and raises its young. Kant’s definition of sexual desire and use occasions a contradiction within his moral system that is resolvable only by furnishing a more suitable definition. This paper will lay out this inconsistency and, following Alan Soble, criticize various attempts to resolve the inconsistency before offering a more successful resolution to the problem.

I. Kant and Sex

Since the notion of sex he works with does not inherently involve human beings considered as persons, Kant is able to make the categorical claim that “carnal enjoyment is *cannibalistic* in principle,” that is, in itself, insofar as “in this sort of use by each of the sexual organs of the other, each is actually a *consumable* thing (*res fungibilis*) with respect to the other.”\(^7\) Inherent in the sexual act is thus a two-fold objectification of persons.\(^8\) It is objectifying in the first place insofar as willing to be the object of another person’s sexual desire and allowing another person to make use of one’s body as a sexual object is tantamount to intentionally objectifying oneself—supposing the sex is consensual, of course—since in doing so a person “makes himself into a thing” for the use of another.\(^9\) Second, both sexual desire for and sexual activity with another person involves the objectification of one’s partner as a thing for the purpose of satisfying one’s own sexual desire, as a means to an appetitive end. In sum, then, Kant argues that, in itself, sexual desire is “nothing more than an appetite”\(^10\) and sexual acts are a *commecium sexuale*. He then notes that, “so considered, there lies in this indication a degradation of the human being; for as soon as anyone becomes an object of another’s appetite, all motives of moral relationship cease to function.”

Therein lies the trouble. This two-fold objectification of persons is doubly dissonant with the second formulation of the categorical imperative, which commands us to “act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.”\(^11\) On the one hand, the making of oneself into a mere object for the use or desire of another person violates one’s inner dignity as a person insofar doing so is tantamount to renouncing one’s moral personality, one’s intrinsic worth as an end-in-oneself. On the other hand, the intentional use of another person as a mere thing violates the second formulation of the categorical imperative insofar as one has a perfect duty to use all other persons—any person who happens to be the empirical object of your maxim—as an end-in-themselves, even while using them as a means.

Sexual desire and activity thus seem radically inconsistent with the second formulation of the categorical imperative. Suppose, following Kant, we define sexual desire as follows:

\[
\text{P1: Human sexual desire is, in itself, the bodily appetite of a human being to use the body of a human being for the purpose of carnal satisfaction got through the use of the body’s members.}\(^12\)
\]

Since human sexual desire, *per accidens*, has as its end the use of a person—both oneself and
another—“as if it were a thing,” it has de facto for its noetic object a being whose worth is contingent upon its ability to satisfy an inclination—that is, a thing. Since sexual desire requires the use of a person merely as an object of contingent worth, then, it explicitly contradicts the second formulation of the categorical imperative, which involves recognizing other persons as having intrinsic, unconditional worth.

Sexual activity with another person involves us in the same inconsistency. Suppose, again following Kant, we define sexual activity as follows:

\[ P2: \text{Human sexual activity is any act in which each human being’s body functions as the fungible object of the other human being’s sexual desire.} \]

Since a fungible object is a thing whose worth is contingent upon its utilizability by an agent, its worth is contingent upon its ability to be manipulated by an agent for some hypothetical purpose—in this case, carnal enjoyment. If using a person merely as a res fungibilis for the satisfaction of one’s sexual desire is to treat that person merely as an object of conditional worth, to so use them violates the second formulation of the categorical imperative. And again, allowing oneself to function as the res fungibilis of another person’s sexual attention is inconsistent with the moral law on the same grounds, since to act on the maxim by which one allows oneself to be so treated is “to annihilate the subject of morality in one’s own person,” and this is to root out the existence of morality itself from the world, as far as one can, even though morality is an end in itself. Consequently, disposing of oneself as a mere means to some discretionary end is debasing humanity in one’s person (homo noumenon) to which the human being (homo phaenomenon) was nevertheless entrusted for preservation.

It follows, then, that the moral law categorically and apodictically requires one not to desire any other person sexually and not to engage in sex with any other person. Celibacy is not only intrinsically moral, but a perfect duty of rational beings.

Obviously this implication seems strange on a number of counts. First and foremost, it seems to explicitly contradict one of our perfect duties to ourselves as animal beings. Kant includes in this category of duties the duty to preserve one’s life as well as the duty to preserve the life of the species (sometimes, through propagation). Each of these duties, Kant argues, constitutes a “natural end” for our kind of being as well as an end we are naturally inclined to seek. If sexual desire—understood in this teleological context as an inclination towards the natural end of the propagation of the species—as well as actually propagating the species, are per se immoral, then we have a case of two contradicting perfect duties: to preserve the species and not to propagate (or desire propagating). If nature must be thought of as a teleological system (at least according to a principle of our judgment if not objectively so), such an inconsistency should be nigh on impossible. In fact, even if we were to attempt to show that one of these duties overrides the other—that one is merely a prima facie duty—the only real option would be to call the duty to preserve the species the prima facie duty, since this duty is contingent upon being a finite rational being rather than one that follows from being a rational being simpliciter.
A second difficulty is that although satisfying the other ends of desire is conditionally good for us, sexual desire as we have defined it is both a natural and universal inclination and at the same time an unqualifiedly evil inclination. In other words, if sexual desire is categorically objectifying, then because it is inconsistent with the moral law it is per se immoral. It seems inconsistent to say that one and the same inclination is both conditionally good and per se immoral.

Two formal solutions to this problem immediately present themselves. First, one could deny one of the horns of the dilemma by rejecting either the definitions of sexual desire and activity or the second formulation of the Categorical Imperative. Second, one could provide further premises that would remove the inconsistency and thereby take the dilemma by its horns. Curiously, it is the second option that is more commonly attempted in the literature on the subject. I will discuss these attempts in a second section before arguing that we should instead revise Kant’s definitions of sexual desire and activity. Revising these definitions will allow us to stipulate several conditions that make a sexual relationship morally praiseworthy, but this is possible only if sexual relationships are in fact the sorts of actions that can be morally praiseworthy.

II. Soble’s Typology

Alan Soble has recently published an article that reviews attempts to resolve the inconsistency in Kant’s argument by the specification of further premises. He also organizes these attempts typologically and offers a critique of each type of attempt. Having found that none of the attempts succeeds in resolving the inconsistency in a satisfactory manner, Soble concludes that this method of resolution looks closed, and asks whether Kant’s definition of sexual desire can be reformulated in such a way that sex is no longer a priori immoral. Before following up on Soble’s suggestion, I would like to briefly review his typology and his objections to the representative positions in that typology, since I believe most of them to be well-founded.

Soble argues that putative resolutions of the inconsistency broadly fall into internalist and externalist camps. Internalists attempt to redescribe the character of sexual activity such that sexual relations satisfy the second formulation of the categorical imperative. Externalists attempt to specify what counts as an acceptable context for sexual desire such that these conditions satisfy or subvert the conditions of the moral law. Both internalist and externalist camps contain important subdivisions.

Internalist positions include both behavioral and psychological versions. Behavioral internalism, proposed by Alan Goldman, argues that requiring that a sexual agent consider and provide for the sexual pleasure of her partner satisfies the moral law. However, this requirement makes no objective moral distinctions that would remove the implication that sexual desire or use inherently objectifies oneself or one’s partner. Psychological internalism, proposed by Jean Hampton, argues that sexual use must be accompanied and restrained by certain attitudes towards one’s sexual partner and that the presence of these attitudes ensures the satisfaction of the moral law. In sum, Hampton argues that it is the presence of humanity-diminishing or “humanity-affirming” attitudes that constitute the necessary conditions of morally licit sex. However, Soble argues, since “humanity-affirming” seems to mean nothing more than affirming and seeking the sexual ends—pleasure—of one’s partner, psychological internalism seems to reduce to behavioral internalism. It does this, again, because the definition of sex and of sexual desire as inherently objectifying has not changed.
Externalist positions include both thick and thin versions, as well as minimal and extended varieties of the same. Thomas Mappes argues for a thin externalist resolution of the inconsistency. He argues, first, that the presence of consent is not sufficient for the morality of sex simpliciter, since, assuming adultery is immoral, a consensual and adulterous sexual act would then count as moral. Certain contextual or material conditions must thus be given for the morality of a sex act as such to be sufficiently determined. With this caveat in place, Mappes goes on to argue that informed consent is a sufficient formal condition of morally permissible sexual activity. Within this context, Mappes argues that “A morally uses B if and only if A intentionally acts in such a way that B’s involvement with A’s ends be based on B’s voluntary consent.”

Voluntary consent is, in other words, that condition which, if present, guarantees that the person in question is being treated as a responsible agent—much as Kant argues that punishing criminals constitutes respecting them as rational beings. However, Soble counters, this resolution of the problem again ignores the objectification inherent in sexual desire and use. One could consent to an objectively immoral act, even one performed in a legally licit context, that would be no less immoral for one’s consenting to it.

Martha Nussbaum is Soble’s source for both thick minimalist externalist and thick extended externalist positions. The former position essentially holds that sexual objectification is morally permissible in the context of an abiding, mutually respectful relationship. However, this seems to excuse the immoral part for the sake of the good whole, as if particular immoral acts could somehow be justified by occurring in a morally acceptable and temporally extended relationship. There are two problems with this position. First, the identification of sexual acts as the unique sorts of acts that can be so justified seems ad hoc. Cannot occasional beatings also be justified by longer periods of affection? Second, this solution yet again leaves the inherent objectifying property of sexual desire untouched. The thick extended externalism sometimes argued by Nussbaum seems equally implausible. This version of externalism attempts to argue that our sexual behavior is subject both to conditions of context—again, an abiding, mutually respectful relationship—as well as a prima facie condition that fixes the nature of the acts in that context. Perhaps, argues Nussbaum, the psychological reduction of oneself to one’s genitals is a potentiality of humanity such that its actuation is an “addition to” rather than a “subtraction from” one’s humanity. Such a position, Soble argues, begs the question by subtly redefining sexual desire and use.

Soble correctly identifies Kant’s own position as a kind of thick minimalist externalism, since Kant argues in the Doctrine of Right that the “one condition” under which sexual desire and activity is licit is a monogamous, life-long relationship with legal sanctions in which “each person is acquired by another as if it were a thing.” In other words, sex is permissible so long as the participants in sex are spouses who enjoy an “equality of possession” both of each other’s organs and of each other’s material goods. “In this way,” Kant claims, “each reclams itself and restores its personality.” Marriage, then, is a legal right “of possession of an external object as a thing”—namely, the genitals of another person—“and use of it as a person,” that is, in a life-long relationship that constitutes a permissible externalist context for sexual desire and activity. Obviously, this solution fails to resolve our dilemma for the same reason Nussbaum’s did: it leaves the per se immorality of sexual desire and use untouched.
Having dispensed with the usual attempts to resolve the inconsistency between the nature of sexual desire/activity and the second formulation of the categorical imperative, Soble identifies the questionable horn of the dilemma as the definition of sexual desire (assuming, as I do, that the second formulation of the categorical imperative is well-founded). Building into the definition a property whose effect is the categorical objectification of other persons, he argues, is to give up the ghost too quickly. Rejecting Kant’s definition of sexual desire, Soble ends his article thus:

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

I would like to perform the trick. I will argue that sex is by its nature wholesome (though not unconditionally so), and that sex should be restricted to marriage. For the finale, I will do so on Kantian grounds.

III. The Nature of Sexual Desire

As should be clear by now, we are going to need a definition of sexual desire other than that which Kant offers in order to assume that sex is in itself wholesome. However, the definition of sexual desire is by no means uncontroversial. I would like to suggest, as a necessary starting point for our discussion, that we must distinguish sexual desire simpliciter and human sexual desire. It seems obvious that, although human beings are finite (animal) beings, having by nature all the needs and desires that other members of that genus share, we are also rational beings. My contention is simply that rationality modifies the nature of animal desire such that human sexual desire and animal sexual desire differ in psychologically, philosophically and morally important ways. We desire things under conditions. These conditions are conceptual and can be specified. As Bataille has said, we are not in the world like water in water: our desires are always desires for kinds of things, and for kinds of things under conditions—e.g., the good, the pleasant, the beautiful, etc. So too, sexual desire is always a desire for something under conditions: sexual desire, like all human desires, is intentional.

If this is correct, the conceptual difficulty with human sexual desire is that it is never just a desire for carnal satisfaction got through the use of a body’s members. If that were the case, there would be nothing to distinguish sexual desire in human beings from sexual desire in other animals, since such a definition cuts intentionality from human desire. This is not to say that we ought to make the opposite mistake and reduce sexual desire to some sort of Platonic eros in which bodies are sexually desired per accidens, which seems just as phenomenologically false. Rather, human sexual desire is, in Kantian terms, a synthetic phenomenon, more like the desire for beauty (which, for Kant, has both sensual and intellectual elements) than like the desire for qualia, say, friction and wetness.

It seems to me that Kant was much closer to the truth in saying that sexual desire is a desire for ‘pleasure from the enjoyment of another person’ than when he wrote that sexual desire is a desire...
for a fungible source of sexual sensations. The distinction I wish to make here is subtle: human sexual desire involves two intentions—for physical contact of a certain species-specific sort and for this contact to be got from a person (and perhaps a specific person). Our difficulty defining sexual desire, if this is correct, is a result of the real (non-reducible) complexity of the intentional object qua sexually desired.

Surely, on the one hand, we must specify sexual desire as a desire for bodily pleasure got from a body. I am arguing that we must also be perfectly clear that this desire is in addition a desire for the body of a person. Why insist on this personhood clause and the notion that it renders sexual desire different in kind from non-personal forms of sexual desire? Simply put, the moral problem we’ve been discussing cannot get started without this clause. Without the intentio of sexual desire including the personhood of the object there seems to be no inherent conceptual or moral contradiction involved in using a person as a thing, for unless considering a person a mere thing is a privative conception there is no fault in using a person as such. If a thing is, and is conceived as, a thing, there is no prima facie moral contradiction in using it as a thing. If something is not, but is conceived as, a thing, there is a prima facie moral contradiction in using it as a thing only if we could and should have conceived (and so used) it otherwise than we did. We obviously can conceive of persons as persons, and morally we ought to conceive of persons as persons and use them as such (by the second formulation of the Categorical Imperative). To get the moral problem in question started, then, we must say that the intentional object of sexual desire includes the quality of personhood. Deny this and the moral problem disappears. The fault in Kant’s definition of sexual desire is just his leaving out this aspect of personhood in the object desired, since to begin with a deficient notion of the object of sexual desire and then to argue that sexual desire is immoral because it desires a person deficiently is simply a petitio principii.

Kant wants to refer to sexual activity/desire variously as carnally involving the organs of a human being and involving another person for enjoyment. However, insofar as these human being and person are not necessarily extensionally equivalent for Kant, this difference in terminology is the difference between a definition of sexual activity as morally neutral and morally problematic. What is required of a definition of sexual desire/activity that is consistent with the second formulation of the Categorical Imperative is that the normal object of human sexual desire is not merely a human being, but also a person. We might offer the following revisions of our initial definitions:

P1’: Human sexual desire is, in itself, the bodily appetite of a human person to use the body of a human person for the purpose of carnal satisfaction got through the use of their body’s members.

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

Now although these are minimal definitions that could stand more specification, they lay the foundation for the notion that there are morally permissible and morally impermissible ways for human persons to engage in sexual activity. That is, they allow that the recognition by both parties that both parties are persons constrains their sexual activities towards each other in accordance with the Categorical Imperative in its various formulations. Taking this as established, in the next section I will argue for the position that sexual desire and activity are conditional goods on Kantian grounds.
IV. How Sex Can Be Good For Kant

Kant is neither a materialist nor an idealist about human nature insofar as he argues that the human being is a relation of finitude and rationality. Speaking rather loosely, Kant’s position is an honest attempt to account for psychological and physical facts about human beings that are neither easily denied nor easily reducible given the unique properties of each. Though no dualist, Kant does say that we can consider some beings both empirically and transcendentally and that human beings are such beings. Usually Kant treats the properties of this empirical-transcendental relation separately, as when he distinguishes the *homo phaenomenon* from the *homo noumenon*. An important exception to this methodological rule occurs when he discusses the relation of the ends of the faculty of desire and the faculty of reason—the respective faculties of each aspect of our being. Then he treats the two synthetically. Nowhere is this more evident than in the second *Critique* in his treatment of the *summum bonum*, the determination of the *complete good* for our kind of subject, which I will discuss below. In sum, Kant argues that neither the mere satisfaction of all the ends of appetite, nor the mere possession of a good will, is a sufficient account of the good for a finite and rational being such as we are.

In his analysis of the issue of the relation between happiness (the end of the faculty of desire) and virtue (the end of the faculty of practical reason), Kant notes that we are disgusted by the idea of a person with a good will bereft of happiness and by the idea of a person with an evil will in possession of happiness. Each image disgusts us for different reasons. The first form of disgust arises from the recognition that finite creatures have material needs essential to their being which are not in this case being satisfied. The second form of disgust arises from the recognition that rational creatures are formally commanded by a moral law exceeding their natural being, and a being who is unworthily happy is ignoring this command. Hence, Kant argues, to call either *only* happiness or *only* the moral law *good* is an incomplete account of goodness for a finite, rational creature, as is the analytic reduction of one to the other. A complete account of goodness must include both, then, as Kant says early on in the *Groundwork*: the complete good is not a good will.

In the second *Critique* Kant goes on to formulate a synthetic concept he calls the “complete good,” which is, briefly, a synthesis of both virtue and happiness as the formal and material conditions of the complete good. The formal principle is moral—the absolute conformity of the will to the moral law—and this principle gives unconditioned (moral) worth to the complete good. The material principle is happiness—the complete satisfaction of all of the ends of desire—and this principle gives natural (conditioned) worth to the complete good. However, Kant argues, if one can be said to be worthy of happiness if and only if one is moral, then happiness may only be included in the complete good insofar as the ends of desire are resonant with the moral ends of reason: deserved happiness is happiness enjoyed in exact proportion to virtue. As finite and rational beings we have a perfect duty to will to be worthy of happiness and an imperfect duty to seek happiness, though only in proportion to that worthiness. When they are fully satisfied on both accounts, these ends together constitute the object of freedom for finite and rational creatures, that which we are always willing when we are willing morally, the “complete” good.

It is important to note that the components of this synthetic proposition—the complete good combines virtue with happiness—are already present in the first two paragraphs of the *Groundwork*,
and by no means is the relation an *ad hoc* addition to the second *Critique*. In the *Groundwork*, remember, all good things are called good in relation to the good will because the good will “seems to constitute the indispensable condition even of worthiness to be happy.”49 Even that which is naturally good *simpliciter*—say, life, sex, food, or any other end of the faculty of desire—is good for us only conditionally, on the condition that the will of the person enjoying these goods is morally good. As I will show later in the paper, it follows that if your will is not good, natural goods are not good for you: you must become good so as to earn that worthiness by which natural goods are worthily enjoyed. Kant’s notion of the complete good in the second *Critique*, then, shows how a synthetic concept involving both happiness and virtue is always already present in our activities as finite rational agents: this ‘object of freedom,’ he says, is a necessary presupposition of intentional activity in a finite rational being.50

Given this formal relation between happiness and virtue, what I would like to suggest is that human sexual activity may be understood as a particular instantiation of the formal relation between happiness and virtue called the complete good. As I have argued, we must account for both the material and formal components of human sexuality—the fact that sexual desire is a desire for physical enjoyment got from a body as well as the fact that the body so desired is (and is necessarily conceived as) the body of a person demanding our respect (by the second formulation of the categorical imperative). So conceived, the desire to enjoy a body may rightfully be said to be a natural good—as Kant admits—but need not be thought an unconditional good, since no natural good is unconditionally good. Likewise, the respect we owe any person who functions as the empirical object of our maxims constitutes the formal or moral component of sexual desire. If this is correct, it follows that human bodies are worthily enjoyed only insofar as this enjoyment harmonizes with the respect we owe the person whose body we enjoy.

To say that human bodies may only be morally (worthily) sexually desired or enjoyed when such desire or enjoyment also expresses respect for the intrinsic worth of the person whose body one is enjoying is, admittedly, but a specific application of the second formulation of the Categorical Imperative, a specification that emphasizes the ‘at the same time’ clause in that formula. In effect, such a specification entails that only those desires for sex and those sexual acts which mutually express and respect the personalities of the agents involved are morally licit. It is but a small step from this to both externalist (say, voluntary consent) and internalist (attitudinal) criteria for morally licit sexual acts, though some specification of what counts as a sufficient expression of an “expression of and respect for personality” will have to be discussed below. Such a statement of the formal criteria of morally licit sex (since that is all it is) has the benefit of allowing sexual desire and activity to be both conditionally good and *per accidens* bad—depending its relation to a worthy will—which seems, prima facie, what it ought to be.

**V. Objections, Solutions, and Teleology**

There are, however, two problems with describing sexual activity and desire as an instantiation of the *summum bonum*. First, is the notion of sexual desire that falls out of such an identification recognizably sexual desire? At first glance, it seems not. Second, it seems that we are being prescriptive about desires, which are not, *prima facie*, the kind of things able to be subject to rational control. I will deal with these objections in order in successive sections of this paper.
Let us begin with the first problem. The picture being painted of sexual desire just looks phenomenologically dissimilar to the sort of desire we actually experience when we are sexually desiring somebody. In fact, a quick review of the literature about sexual desire gives the impression that almost everyone agrees with Kant’s initial definition. Poetically speaking, Kant’s initial definition of sexual desire is similar to Dante’s description of men gazing at Sirena: her personality, that glittering jewel, is an ornament we would like her to take off, and the longer we stare the more we see that what we desire of her is just whatever lies beneath her shiny garments. That is just what the sexual gaze is, one might say, and any argument that does not begin with this phenomenological fact is a non-starter. On the other hand, the picture painted by saying that sexual desire is an instance of the complete good is similar to Kant’s description of naked virtue: the longer we look at Virtue, the more her trappings and flesh fall aside and we stand in awe of the sparkling jewel of her pure will. Perhaps that’s what sexual desire ought to be. Both images involve a woman stripping; they differ in what counts as the ornament taken off and in what we ultimately desire to see. And Kant’s metaphor just seems—well—strange, asexual.

It seems to me that there are two options here. Either we reject my provisional definition of permissible sexual desire as the desire for worthy enjoyment of the body of a person—which the disparity between the definition I am offering and the more usual definition gives prima facie support for doing—or else we need to give an explanation of this disparity and ask why, if my definition is the correct one, our sexual perceptive apparatus is so skewed.

Such an explanation can be found, I believe, in Kant’s notion of radical evil. In his Religion Within the Limits of Reason Alone, Kant argues that there is an ultimate subjective ground of our maxims, one that explains why the particular maxims of one being, who is either good or evil, may be good and evil at different times. This “first ground” is called one’s disposition. A disposition that allows a particular evil maxim to be willed even once has shown that it is open to subordinating an ethical incentive to a sensuous one and is therefore corrupt; even if its particular actions are mostly good, the “intelligible” character of such a will is yet evil. The propensity to evil—a tendency to invert the ethical order of the incentives of the will—is radical both because it evinces the corruption of the ground of all our particular maxims and because, as a noumenal ground outside of time, it is inextirpable by human powers.

With this in mind, I would like to propose the following thought-project that makes use of the third chapter of the Biblical book of Genesis as well as the notion that sexual desire is a specific instantiation of the summum bonum. The trick here is to imagine the relation between the wills of Adam and Eve at each step of their fall and to consider the moral relationship that obtains at each step between them.

There is a brief point in the story conveyed by chapter three in which Eve has eaten of the tree of knowledge, having committed the first mortal sin, but Adam has not. At this point in time Adam contains within his being, including his body, the promise of happiness for Eve (for he is her completeness as she was made to be his), while Eve is morally unworthy of the happiness her prelapsarian spouse promises her. We could not call Adam, representative of this happiness, evil on account of the sin of Eve: he is still naturally good on his own account, and he is her good, though clearly she does not deserve this natural good. Hence he is “conditionally good” for her, as Kant would say, in the sense that his natural goodness to Eve is dependent on her worthiness of her
husband. Yet Eve no longer possesses *that condition*.

Once Eve has fallen, Adam has not become evil (he could still satisfy her every moral desire), as we have said, but he cannot satisfy her immoral desires, sexual or otherwise, and remain just. If this were a permanent state, we could imagine a point in time where Adam would have to deny a desire of Eve’s because the desire was immoral (that is, to be picturesque, he could deny her immoral desire that he should eat an apple by refusing to eat it): their *flesh*, let us say, a similitude of the complete good (which is contingently separated in us all), has become divided. This division of the complete good is contingent because it need not have happened. Once it does happen, however, it must necessarily hold not only the promise of future pain for Eve (some of her desires ought not be met) but also Eve’s shame in the knowledge that such denials are just. If she had been contrite, Eve could certainly have lived for a time with her unfallen husband, whose very presence, though painful, would have only allowed the satisfaction of her moral desires. In contrition she could have given thanks for this.

After Adam’s fall, though neither is morally worthy of the other, Adam and Eve yet hold the promise of happiness for each other, and all creation holds it for them too, though sometimes now, disgustingly, immorally. Though the natural goodness each represents to the other still remains—they could not destroy this aspect of their finiteness totally—there are points in time when they are not worthy of enjoying the goodness of their bodies, or of enjoying each other’s: they no longer possess *that condition*. Even natural goodness can be a temptation to evil for an unworthy will.

Now it seems to me that the situation that obtains at the end of this thought-project is just the sort of situation that (a) explains the disparity between descriptions of sexual desire we’ve been discussing and (b) is the situation that Kant actually believes to be the case for the human species. For if it is the case that every human being has at some time or another acted on a heteronomous maxim, Kant argues, every human being has shown that the fundamental maxim of their will is evil. If that is the case, then we have shown that we are willing to subvert or ignore the moral law in favor of some fungible object, which is just the problem about sexual desire we began with. If the fact of radical evil and its pervasiveness in the world is nothing other than the fact that we can and often do act on impure maxims—which may also involve deficient conceptualizations of other rational beings—then this fact seems like a good basis for explaining the phenomenological disparity between the definitions of sexual desire I have been discussing. It is tempting to view and use other persons as sexual *objects*—it is even physically enjoyable, let us say—but having a propensity towards choosing lower goods over higher goods is just what temptation *is*. Heteronomy of the will is being willing to listen to the snake.

**V. Good Sex on Kantian Grounds**

Our ultimate question, then, is not whether sexual desire is intrinsically moral—since it *can* be—but how the fact of radical evil impacts the conditions under which this natural good can be licitly pursued so as to approximate the union of happiness with virtue. Provisionally, it seems to me that there are three such conditions. First, the pursuit of sexual goods ought only be pursued in a context which keeps one from those sorts of situations that enable or encourage an objectivizing tendency in one’s sexual desire. Though there may be multiple contexts that perform this function of protecting one from concupiscence, it seems *prima facie* true that lifelong monogamy is one such context, and
that legally sanctioned marriage lends external sanctions to this otherwise internal constraint on the scope of one’s desires. The constraint of being able to satisfy oneself sexually with only one other person would seem to limit the possible objects of licit sexual desire and so constrain the general tendency to view persons, even hypothetically, as fungible objects of sexual desire. Such a constraint could not cause one not to so desire people—and that is not being asserted—but it may well encourage the sort of ‘chaste gaze’ that is concomitant with viewing persons as persons.

Secondly, it seems to me that lifelong, legally-sanctioned monogamy conjoined with cohabitation and the sharing of material goods would enjoin responsibility for the consequences of sexual intercourse upon the agents, especially if such a responsibility were held to be a necessary precondition of the sexual act itself. Since any empirical consequences of sexual intercourse, like children, would impact the material and emotional well-being of the household, such consequences would be legitimate factors in a couple’s deliberation about whether to engage in sexual intercourse. Insofar as such deliberations are supposed to involve respect for the interests and concerns of all involved in the deliberation, such a constraint (sharing a household) would encourage (again, not cause) mutual respect between sexual partners as a precondition of intercourse.

Finally, as the Genesis thought-project above suggests, an important internalist condition of morally licit sex would seem to be the dedication of each partner in the relationship to the mutual sanctification of the other, a promise of moral beneficence (which is always an imperfect duty) to one particular person. This might entail placing external constraints on the sexual desires of the other—just as Adam might have had to deny some of Eve’s desires for her good—as well as the more positive work of, say, engaging in edifying conversation and education. In short, then, the ends to be pursued in a context that would legitimate the pursuit of worthily enjoying the body of another person would have to include responsibility for the procreation and education of children, protecting one another from concupiscence and pursuing each other’s mutual sanctification. These ends could best be pursued, I am suggesting, in a life-long, legally-sanctioned monogamous relationship involving cohabitation and the sharing of material goods, although I have parsed several of these conditions as open to empirical confirmation.

If these three teleological criteria are criteria which encourage—though not cause—the pursuit of sex in a morally worthy manner, and if these criteria do so better than other criteria (which I am supposing), then two conclusions follow. First, since the pursuit of these ends constitute the traditional definition of marriage, the most (morally) suitable context for the pursuit of sexual goods is within the context of a marriage. Second, and this is the formal point, these ends constitute what is meant by respecting another person while at the same time sexually desiring her. They provide criteria for evaluating what counts as using one’s sexual partner as a source of bodily enjoyment at the same time as respecting her as a person.

This reconciliation of the goodness of sexuality with the Categorical Imperative differs from the Internalist and Externalist solutions to the problem described in section two (including Kant’s own solution) in three ways. First, these positions accepted, explicitly or implicitly, the view that sexual desire and use are inherently objectifying. By rejecting this assumption and redefining (rather than merely redescribing) sexual desire and use, my solution differs from the others in kind. Second, I have argued that the conditions under which sexual goods may licitly be pursued include both Internalist and Externalist conditions, with the qualification that the Internalist criteria are maxims
rather than attitudes (understood in a purely affective sense). Finally, my suggestion that marriage is the best context in which to pursue sexual goods insofar as it best minimizes the risk of objectification is much weaker than Kant’s stated view that the pursuit of sexual goods is inherently objectifying except in marriage. I have allowed that the class of persons who de facto worthily pursue the ‘ends’ of marriage described above may have a wider extension than the class of persons who are de jure married. Conceiving ‘marriage’ as a success term—or perhaps sacramentally—rather than as the name of a legal union, would bring these two classes closer together.

The second objection to the treatment of sexual desire in this paper was that it seems to entail that one can set moral constraints upon desires even though desires are not the kind of thing usually thought to be subject to rational control. (Can you force yourself to look at naked virtue with a chaste gaze?) Such an objection is easy to answer, however. Pursuing the three traditional ends of marriage—with another rational agent, at that—might bring about a sort of sexual desire that is habitually good, one that is phenomenologically closer to gazing at Virtue stripping than Sirena. That is what setting moral constraints on desire means—not that you can directly control desires, but that you can choose to pursue those acts which bring about virtuous or vicious appetitive habits, respectively. Sexual desire, like other desires, can be educated.  

Joshua Schulz
Marquette University

Notes


8. That is, the agent’s intention is a thing rather than a person. For the purposes of this paper, “objectification” will refer to process whereby the noetic object is transformed from a person into a thing.


12. This definition is broad enough to allow the sexual desire of oneself, but narrow enough to exclude desires that do not involve non-human bodies or things. I am assuming that the ‘normative’ (if I may use that term) object of sexual desire is a body. As such, the definition implies that sexual desires for human bodies, oneself included, are importantly different from desires for carnal enjoyment got from objects which are not human bodies.


16. Kant, *Metaphysics of Morals*, AK 6: 423. Kant makes these remarks in the context of discussing the morality of lying, although the contradiction he points to is applicable to any context in which a person treats herself as a thing.


18. By this Kant understands “that connection of a cause with an effect in which, although no understanding is ascribed to the cause, it is still thought by analogy with an intelligent cause, and so as if it produced human beings on purpose” (*Metaphysics of Morals*, AK 6: 424).

19. Kant, *Groundwork*, AK 4: 394-5, 428: “All objects of the inclinations have only a conditional worth; for, if there were not inclinations and the needs based on them, their objects would be without worth.”


21. Alan Goldman, ‘Plain Sex,’ in A. Soble (ed.), *The Philosophy of Sex: Contemporary Readings* (Totowa, NJ: Rowman and Littlefield, 1980), pp. 119-38. Goldman argues that, at least in our current sexual context, Kant’s second formulation of the categorical imperative is best interpreted exactly as Kant interprets it: as a demand for “reciprocity in sexual relations,” such that “even in an act which by its nature ‘objectifies’ the other, one recognizes a partner as a subject with demands and desires by yielding to those desires, by allowing oneself to be a sexual object as well, by giving pleasure or ensuring that the pleasures of the act are mutual” (p. 133). Goldman concludes that “It is this kind of reciprocity which forms the basis for morality in sex, which distinguishes right acts from wrong in this area as in others” (p. 133).


25. Soble, ‘Sexual Use,’ p. 9: “Hampton might mean that a sexual act is morally permissible only if it is both mutually pleasure-producing and incorporates humanity-affirming attitudes … but in Hampton’s essay I could find no criterion of ‘humanity-affirming’ other than ‘produces mutual pleasure.’” While we must be careful not to confuse criticism of Hampton’s presentation with criticism of her position, this lack of specification needs to be addressed. The position I argue for below is close to Hampton’s, but I do not want to call it psychological internalism. I argue below that there are indeed internal criteria for morally licit sexual activity, but that these are maxims rather than attitudes (understood in a purely affective way), and I argue that there are externalist criteria for morally licit sexual behaviors as well.


28. Kant connects the notions of punishment, justice (ius talionis) and respect such that punishing a criminal for his offence amounts to respecting his will as a rational agent. See Immanuel Kant, The Critique of Practical Reason, AK 5: 37, 61, and Metaphysics of Morals, esp. AK 6: 331-37.


30. As Martha Nussbaum writes in ‘Objectification,’ in Sex and Social Justice (New York: Oxford UP, 1999), “If I am lying around with my lover on the bed and use his stomach as a pillow, there seems to be nothing at all baneful about this [instrumental objectification], provided that I do so with his consent … and without causing him unwanted pain, provided, as well, that I do so in a context of a relationship in which he is generally treated as more than a pillow. This suggests that what is problematic is not instrumentalization per se but treating someone primarily or merely as an instrument [e.g., a pillow]. The overall context of the relationship thus becomes fundamental” (p. 223). Soble instructively asks us to substitute the term ‘penis’ for ‘pillow,’ and then evaluates the example in ‘Sexual Use,’ pp. 14-15.

31. Commenting on D.H. Lawrence’s Lady Chatterley’s Lover, Nussbaum writes that “there is a sense in which both parties put aside their individuality and become identified with their bodily organs. They see one another in terms of those organs. And yet Kant’s suggestion that in all such focusing on parts there is a denial of humanity seems quite wrong … The intense focusing of attention on bodily parts seems an addition, rather than a subtraction” (‘Objectification,’ pp. 229-30).


33. Soble, ‘Sexual Use,’ pp.18 ff.

34. Kant, Metaphysics of Morals, AK 6: 278, here and ff.

35. It is with these conditions in place that Kant goes on to argue that “a marriage contract is consummated only by conjugal sexual intercourse” such that “acquisition of a wife or husband therefore takes place neither facto (by intercourse) without a contract preceding it nor pacto (by a
mere marriage contract without intercourse following it) but only lege, that is, as the rightful consequence of the obligation not to engage in sexual union except through possession of each other’s person, which is realized only through the use of their sexual attributes by the other” (Metaphysics of Morals, AK 6: 279-80).

36. Compare this to Kant’s discussion of lying (Metaphysics of Morals, AK 6: 430)—one could not submit oneself to such a pact, even under the condition of equality. Also see Metaphysics of Morals, AK 6: 423.


38. See the collection of essays included in Soble’s The Philosophy of Sex (1980), cited above.

39. The phrase “like water in water” is found in George Bataille’s Theory of Religion, trans. Robert Hurley (New York: Zone Books, 1992), pp. 23-5. He goes on: “It is only within the limits of the human that the transcendence of things in relation to consciousness (or of consciousness in relation to things) is manifested. … The animal has diverse behaviors according to diverse situations. These behaviors are the starting points for possible distinctions, but distinguishing would demand the transcendence of the object having become distinct” (p. 24). Animal desire is meaningless, and no sign. The addition of consciousness to animal desire is a substantial change for desire.

40. Of course, even giving the qualia names is problematic insofar as this implies that our notions of them are not phenomenologically reducible to the physical facts of [wet], [friction].

41. Interestingly, Goldman gets his minimal definition of sexual desire correct, defining sexual desire as “desire for contact with another person’s body and for the pleasure which such contact produces; sexual activity is activity which tends to fulfill such desire of the agent” (‘Plain Sex,’ p. 120)—but misinterprets his own definition by ignoring the implications of the term person in the definition, as I will argue below.

42. Some of the terminology in this section is borrowed from Allen Wood, Kant’s Moral Religion (Cornell UP, 1970).

43. Cf. Kant, Groundwork, AK 4: 393. Kant notes that such sights could bring us no delight, perhaps phrasing this weakly since most of us would not have the sense to be disgusted with ourselves if we were unworthily happy.


45. Kant, Groundwork, AK 4: 396.

46. Kant, Critique of Practical Reason, AK 5: 114 ff.

47. In fact, Kant argues, since this is the good for our kind of being, and all rational beings have an imperfect duty to benevolence, all rational beings—including God—have a duty to will the complete good, else we could leave Job to starve at every turn. Cf. Kant, Critique of Practical


50. Cf. Kant, *Critique of Practical Reason*, AK 5: 120: “That which is required for the possibility of any use of reason as such, namely, that its principles and affirmations must not contradict one another, constitutes no part of its interest but instead the condition of having reason at all; only its extension, not mere consistency with itself, is regarded as its interest.” Kant argues that the complete good is the condition for the possibility of the consistency of speculative and practical reason as a whole here and ff.


56. See footnote 43 for this use of ‘disgusting.’

57. Note that we do not really need the religious overtones of this account for the explanation to succeed. All that is needed here is an admission of heteronomy somewhere, say, in my past. About this, says Kant, “everyone can decide by himself” (*Religion*, AK 6:39). If that is granted, the rest follows.

58. Naturally, a person committed to monogamy can still desire many people concupiscently. If we are to think that monogamy can protect one from such desires, we must also suppose as a psychological principle that actual objects of desire are often (though not necessarily) limited to objects with which it is possible to satisfy that desire, as Aristotle says, which is an empirical question.

59. I would like to thank Dr. Gene Fendt, of the University of Nebraska at Kearney, and Dr. Claudia Schmidt, of Marquette University, for their kind help with earlier drafts of this paper.