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## Kant's Views on Sex and Marriage and Their Significance for Contemporary Ethics

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**Abstract:** *This paper discusses Kant's thoughts on sex and marriage with the aim of examining their relevance to us today. To that end, the author conducts a sympathetic reading of Kant's writings on sex and discusses Kant's critical and rational assessment of various types of sexual relationships. The results of the study show that the essence of sex in Kant's view is objectification, namely the use of the body as a means to achieve sexual satisfaction. Therefore, intrinsically, every type of sexual relationship is contrary to morality. There is only one form of sexual relationship that does not conflict with the moral law, namely sex conducted within the context of monogamous, lifelong marriage between two people of different sexes. Kant's reflections on sex and marriage are very helpful in enabling us to critically address and construct debates surrounding sex today.*

**Keywords:** *Sex; Objectification; Marriage; Moral Law; Women's Rights.*

### Introduction

Immanuel Kant's philosophy is most often associated with the themes of metaphysics, epistemology, ethics, theology, and aesthetics because in these areas the philosopher produced revolutionary thoughts. However, Kant's relevance extends beyond these areas. If we observe the philosophical discourse in moral philosophy today, especially the theme of sexuality, we will see the relevance of Kant's thought within this theme. A significant number of prominent philosophers involved in debates on the issue have turned to Kant in their attempts to develop a contemporary conception of sexual ethics.<sup>1</sup> Furthermore, some contemporary feminist philosophers have also drawn on Kant to develop a critical philosophy that critiques injustices against women in sexual relations. Kant's position in this

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<sup>1</sup> Martha C. Nussbaum, *Sex and Social Justice* (Oxford: Oxford University Press, 1999); Helga Varden, *Sex, Love, and Gender. A Kantian Theory* (Oxford: Oxford University Press, 2020); Christopher Arroyo, *Kant's Ethics and the Same-Sex Marriage Debate - An Introduction*, Springer (Cham, Switzerland: Springer, 2017); Martin Brecher, "Animal Desire and Rational Nature: Kant's Argument for Marriage and the Problem of Unnatural 'Sex,'" in *Kant on Sex, Love, and Friendship*, ed. Pärttyli Rinne and Martin Brecher (Berlin: Walter de Gruyter GmbH, 2023), 35–61; Christine M. Korsgaard, *Self-Constitution: Agency, Identity, and Integrity* (Oxford: Oxford University Press, 2009); Matthew C. Altman, *Kant and Applied Ethics. The Uses and Limits of Kant's Practical Philosophy* (West Sussex: Wiley-Blackwell, 2011).

discourse is all the more interesting because his philosophy is interpreted by different parties, such as supporters and opponents of same-sex marriage (homosexuality), to justify their respective positions.<sup>2</sup>

In this article I will critically analyze Kant's thoughts on sex and marriage and their relevance for us today. There are at least two reasons why this theme is interesting and important to discuss. The first reason is *historical*. Changes in today's lifestyle have given rise to new phenomena that are increasingly pushing traditional moral norms in the field of sexuality, not only in the West but also in the East.<sup>3</sup> Attitudes towards sex are increasingly permissive. Same-sex relationships (homosexuality), homosexual marriage, prostitution, premarital sex, cohabitation, infidelity, and LGBTQ identities have become phenomena that are increasingly familiar to us and which over time may be considered normal. Social media plays an important role in spreading these sexually permissive views and lifestyles. In short, the world is now experiencing the globalization of sexuality.<sup>4</sup> In this article I will show that Kant, the celibate and unmarried philosopher<sup>5</sup>, can help us to provide a critical moral response to these phenomena.

Related to the first reason, the second reason is *systematic*. Perhaps because he had no empirical experience of sex and marriage, Kant could only think about the subject a priori, based on rational thought alone, without reference to empirical experience. In his philosophical system, Kant systematically discussed sex within the framework of pure practical reason or ethics. His starting point was human nature itself, not empirical experience. Kant recognized sexuality as one of man's natural predispositions. However, despite being a predisposition, sex is intrinsically contrary to morality, mainly because it makes the body a mere object or means to achieve sexual satisfaction. This moral violation is shown by Kant in his critical reflection on various forms of sexual acts: masturbation, homosexuality, marriage or cohabitation, polygamy, prostitution, premarital sex, bestiality (sex between humans and animals), and incest. Kant himself believed that the only morally valid sex was that which took place within marriage.

This raises a direct question: are the views on sex and marriage formulated almost 300 years ago still relevant for us today? Hasn't the understanding and view of these two phenomena changed considerably? In this paper I will show that Kant's distinctive approach to reflecting on this theme makes his views still not lose their relevance. What I am referring to here is a rational approach based on human nature itself. Indeed, some of his views on this theme, as I will elaborate later, may be considered outdated.

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<sup>2</sup> Matthew C. Altman, "Kant on Sex and Marriage: The Implications for the Same-Sex Marriage Debate," *Kant-Studien* 101, no. 3 (2010): 309–30; Lina Papadaki, "Kantian Marriage and Beyond: Why It Is Worth Thinking about Kant on Marriage," *Hypatia* 25, no. 2 (2010): 276–94; Elizabeth Brake, "Justice and Virtue in Kant's Account of Marriage," *Kantian Review* 9 (2005), 58–94; Thomas Mertens, "Sexual Desire and the Importance of Marriage in Kant's Philosophy of Law," *Ratio Juris* 27, no. 2 (2014): 330–43; Brook J. Sadler, "Marriage: A Matter of Right or of Virtue? Kant and the Contemporary Debate," *Journal of Social Philosophy* 44, no. 3 (2013): 213–32; Barbara Herman, "Could It Be Worth Thinking About Kant on Sex and Marriage?," in *A Mind of One's Own. Feminist Essays on Reason and Objectivity*, ed. Louise M. Antony and Charlotte E. Witt (New York: Routledge, 2001), 53–71.

<sup>3</sup> Thailand began recognizing same-sex marriage (homosexuality) in January 2025. Thailand is the first country in Southeast Asia and the third in Asia to recognize gay marriage, see Panisa Head, Jonathan; Dokson, Thanyarat; and Aemocha, "The Long Road to Legalise Same Sex Marriage in Thailand," <https://www.bbc.com/news/articles/cge7g93xjw9o>, BBC, 23 January 2025.

<sup>4</sup> Dennis Altman, *Global Sex* (Chicago: The University of Chicago Press, 2001).

<sup>5</sup> Siegfried Drescher, ed., *Wer War Kant? Drei Zeitgenössische Biographien von Borowski, Jashmann und Wasianski* (Pfullingen: Günther Neske, 1974), 85.

However, as mentioned at the beginning of this essay, Kant's reflections on this theme remain relevant because they are based on human nature itself, and not on views that have developed through history. Kant refuses to judge sexuality based solely on the conditions of human civilization, which change throughout history. He says: "Of the sexual impulse we must judge, not merely in accordance with our civilized state, but according to the natural condition of man."<sup>6</sup>

The discussion of this topic will proceed in several steps. First, I will discuss objectification as the nature of sex. This will be followed by a description of the three predispositions of human beings, namely animality, humanity, and personality. Sex is the animal element in us. Based on this predisposition, Kant evaluates various forms of sexual activity that violate the moral law, namely polygamy, extramarital sex, contract marriage, concubinage, prostitution, incest, masturbation, homosexuality, and bestiality. These last four forms of sex, Kant calls sexual crimes because they abuse sexual attributes. Having discussed the types of immoral sex, I will then discuss the institution of marriage and its virtues. In Kant's view, the only morally valid form of sexual intercourse is that which takes place within the context of marriage. The article will conclude by showing Kant's influence on modern feminism, including in the discussion of sexual ethics today.

### The Nature of Sex: Objectification

Kant discusses sex and various other themes related to sex within the framework of moral philosophy rather than within the framework of anthropology, psychology, or culture. The book in which he discusses these themes is *The Metaphysics of Morals*. In it, Kant expounds the a priori principles of pure practical reason that apply necessarily and universally to all manifestations of freedom, both in the internal and external realms of human beings. The manifestation of freedom in the external realm falls within the field of right, and this theme is discussed in the first section titled *The Metaphysical First Principles of the Doctrine of Right*, which reflects on the moral institutions that are important as social frameworks for moral public life, such as property, contract right, parental rights, inheritance, marriage, the state, and the right of nations, and so on. Meanwhile, the manifestation of freedom in the internal or inner realm falls within the field of morality, and this theme is discussed in the second section titled *The Metaphysical First Principles of the Doctrine of Virtue* which reflects on the basic moral categories concerning obligations to oneself and to others, such as duty, happiness, conscience, use of food and drink, servility, and sexual matters. This distinction forms the basis for the division of *The Metaphysics of Morals* into two major parts: *The Doctrine of Virtue* and *The Doctrine of Right*.

Why does Kant discuss morality within the scope of metaphysics? Here we need to remember that the metaphysics Kant refers to is not metaphysics as understood in the traditional sense, namely knowledge of objects that transcend empirical experience. In his theory of knowledge, as presented in the *Critique of Pure Reason*, Kant has shown the impossibility of such knowledge. But metaphysics as "a system of a

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<sup>6</sup> Immanuel Kant, "Kant's Practical Philosophy: Herder's Lecture Notes (selections)," in *Lectures on Ethics*, ed. Peter Heath and J. B. Schneewind (Cambridge: Cambridge University Press, 1997), 22.

priori cognition from concepts alone”<sup>7</sup> is certainly possible. Kant demonstrated the possibility of such a system of knowledge in his first *Critique*. The a priori principles derived from pure reason are called “metaphysical science of nature” because they are the necessary and universal conditions that enable knowledge of “objects of outer sense”.<sup>8</sup> Now, in *The Metaphysics of Morals*, Kant formulates the a priori principles of morality, which are none other than the a priori principles derived from pure practical reason. Through such deduction, Kant is able to base his moral teachings on a priori principles that apply necessarily and universally to all manifestations of freedom, because, as has been shown in the first *Critique*, necessity and universality can only come from pure reason, and not from experience, because experience is always contingent and therefore cannot be the source of principles that are necessary and universal.<sup>9</sup>

With this conception, *The Metaphysics of Moral* can serve as the foundation for moral discourse in Kant’s philosophical system. And because morality presupposes freedom, and freedom is realized in practical action, Kant argues that “metaphysics of morals cannot dispense with principles of application.”<sup>10</sup> Thanks to these universal moral principles, we then obtain a “morally practical doctrine”, and through this doctrine we know how we should act even if no example can be found.”<sup>11</sup> In short, Kant says that a “metaphysics of morals cannot be based upon anthropology but can still be applied to it.”<sup>12</sup>

The normative principle in Kant’s moral philosophy is that human beings, as persons, are subject to the moral law. The human being is a moral being and therefore is bound by legal-moral norms in their actions toward others as well as toward themselves. Normatively, all human actions must be in accordance with morality. Kant emphasizes that human beings are obliged to obey the moral law or right of humanity (*Rechte der Menschheit*) in themselves.<sup>13</sup> What is meant here by “in themselves” is within the person. Because a person is bound by the rights of humanity, they cannot commit acts that degrade themselves or other people, because to do so is to degrade the right of humanity within oneself.

What is the right of humanity? The right of humanity, according to Kant in *The Metaphysics of Morals*, is a moral imperative that states: “Do not make yourself a mere means for others but be at the same time an end for them.”<sup>14</sup> This statement must be properly understood. Kant does not forbid using people as means. Working in an office or farming in a field also uses people as a means to an end. That is certainly

<sup>7</sup> Immanuel Kant, “The Metaphysics of Morals (1797),” in *Practical Philosophy*, ed. Mary J. Gregor and Allen W. Wood (Cambridge: Cambridge University Press, 1999), 371. Kant defined metaphysics in various ways. For example, in the *Metaphysical Foundations of Natural Science* he says “pure rational cognition from mere concepts is called pure philosophy or metaphysics.” See Immanuel Kant, “Metaphysical Foundations of Natural Science (1786),” in *Theoretical Philosophy After 1781*, ed. Henry Allison and Peter Heath (Cambridge: Cambridge University Press, 2002), 185. Although there are differences in these definitions, they are not fundamental, because Kant’s concept of metaphysics is quite clear, namely a system of cognition about a priori principles derived from pure reason. For more on this, see Fitzgerald Kennedy Sitorus, *Das transzendente Selbstbewusstsein bei Kant. Zu Kants Begriff des Selbstbewusstseins im Lichte der Kritik der Heidelberger Schule* (Hamburg: Verlag Dr. Kovac, 2018), 225-227.

<sup>8</sup> Immanuel Kant, “The Metaphysics of Morals (1797),” 370.

<sup>9</sup> Immanuel Kant, *Critique of Pure Reason*, ed. Paul Guyer and Allen W. Wood (Cambridge: Cambridge University Press, 1998), 137-138.

<sup>10</sup> Kant, “The Metaphysics of Morals (1797),” 372.

<sup>11</sup> Kant, “The Metaphysics of Morals (1797),” 371.

<sup>12</sup> Kant, “The Metaphysics of Morals (1797),” 372.

<sup>13</sup> Kant, “The Metaphysics of Morals (1797),” 392.

<sup>14</sup> Kant, “The Metaphysics of Morals (1797),” 392.

not morally wrong. What is prohibited by the right of humanity, according to Kant, is when people are used *merely* as means. To use someone merely as a means means that human beings are used only as tools to achieve certain ends outside of themselves, without regard to human beings themselves. Paying attention to human being in themselves is the same as treating them as an end in himself. End in itself means that the purpose is internal, not external, i.e., not to achieve something outside the person. By treating a person as an end in themselves, for example, his welfare or self-development is taken into account. Slavery is morally impermissible because it treats human beings only as means to an end outside themselves, without regard for the slave's welfare.

Thus, in Kant's view, a human being can be used as a means to achieve certain ends as long as the person is also an end in themselves. This means that their happiness, self-development, or well-being must not be neglected in the course of the work. To treat a human being "as an end in itself" is, according to Kant, the "principle of humanity, and in general of every rational nature."<sup>15</sup> This is our duty as human beings and is an "obligation from the right of humanity in our person (*Lex iusti*)."<sup>16</sup> In the *Groundwork of the Metaphysics of Morals*, Kant calls this right of humanity a categorical imperative that must be the basis of all our practical actions toward human beings. Kant also formulates this right of humanity as follows: "So 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."<sup>17</sup>

The above normative principle of humanity becomes the basis for Kant's analysis of the phenomenon of sex. On the basis of this principle, Kant first sees sex as a moral phenomenon. Why? Because, according to him, sexual desire is the only drive in human beings that requires the body of another person as a means. Treating the body as a means is the same as treating it as an object. In sex, the body is treated as a means to achieve sexual satisfaction, just as a hammer is used to hit a nail. In this relation to the body, Kant argues, sex is different from lying or stealing. The latter two acts are also morally forbidden, but they do not objectify the bodies of others in the way that sexual acts do. In sexual desire, Kant argues, there is already an implicit urge to degrade the humanity of others into mere means for achieving sexual satisfaction. Therefore, to view another person in terms of sexuality is to degrade that person's humanity and consider them as a mere means. Kant writes, "We never find that a human being can be the object of another's enjoyment, save through the sexual impulse."<sup>18</sup>

It is the urge to use others as means for the satisfaction of desire that often makes sexuality a shameful thing. Sexual desire automatically denies independence and freedom to both the subject and the object of the act. One needs another's body as a means and is dependent on it to satisfy their desire. This is the moral danger inherent in sexual desire: the objectification of other people's bodies. And the objectification of the body here is already a violation of the right of humanity, as outlined above. According to Kant, it is because of the moral violation inherent in sexual desire that moralists or saints suppress or

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<sup>15</sup> Immanuel Kant, "Groundwork of the Metaphysics of Morals (1785)," in *Practical Philosophy*, ed. Mary J. Gregor and Allen W. Wood (Cambridge: Cambridge University Press, 1996), 81.

<sup>16</sup> Kant, "The Metaphysics of Morals (1797)," 392.

<sup>17</sup> Kant, "Groundwork of the Metaphysics of Morals (1785)," 80.

<sup>18</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," in *Lectures on Ethics*, 155.

eliminate it as much as possible.<sup>19</sup> Kant likens this act of using another person's body for sexual satisfaction to someone throwing away the pulp of a lemon after sucking the juice. "In loving from sexual inclination, they make the person into an object of their appetite. As soon as the person is possessed, and the appetite sated, they are thrown away, as one throws away a lemon after sucking the juice from it,"<sup>20</sup> Kant writes to show the lack of humanity in sexual desire.

Kant says that sexual desire is different from love. If one loves another person because of sexual desire, it is certainly not love. Love always desires the good and welfare of the beloved. It does not treat the beloved as a mere object or means. In a loving relationship, the other person is seen as a whole person, not as an object in the form of a physical body. Sexual desire, on the other hand, sees another person only as a means for the satisfaction of lust. In the eyes of desire, a person is not seen as a whole human being. Sexual desire reduces others to mere physical bodies. This can be seen in expressions of sexual desire, which always refer to certain organs of the body, such as the lips or breasts. It is true that sexual desire can occur in loving relationships, such as the desire of a husband and wife who love each other. However, sexual desire in itself is still a form of objectification. I will discuss this further later when I talk about sex in marriage. "As soon as anyone becomes an object of another's appetite, all motives of moral relationship fall away; as object of another's appetite, that person is in fact a thing,"<sup>21</sup> Kant argues.

Kant says: "Since the sexual impulse is not an inclination that one human has for another, *qua* human, but an inclination for their sex, it is therefore a *principium* of the debasement of humanity ... The desire of a man for a woman is not directed to her as a human being; on the contrary, the woman's humanity is of no concern to him, and the only object of his desire is her sex. So, humanity here is set aside."<sup>22</sup> Elsewhere in his writings, Kant even describes the act of using another person's body to satisfy sexual desire as "cannibalistic in principle (even if not always in its effect)."<sup>23</sup>

For the reasons outlined above, Kant rejects the consequentialist account of sex. This explanation says, for example, that sex is not good because it can encourage people to be unfaithful, waste time and money, distract from other more important duties, or possibly cause disease. Kant's analysis and judgment are based entirely on the nature of sex itself. He writes, "All philosophers censure this inclination only for its pernicious effects, and the ruin it brings, partly to the body, and partly to the general welfare, and see nothing reprehensible in the act as such ... Yet here there is something contemptible in the act itself, which runs counter to morality."<sup>24</sup>

### What About Consensual Sex?

We can still ask, is every sexual act automatically a form of objectification? What if the sex is consensual? In other words, is consensual sex morally wrong? Nowadays, people tend to talk only about

<sup>19</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," 156.

<sup>20</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," 156.

<sup>21</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," 156.

<sup>22</sup> Kant, "Moral Philosophy: Vigilantius's Lectures Notes," 156.

<sup>23</sup> Kant, "The Metaphysics of Morals (1797)," 495.

<sup>24</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," 157.

sexual violence, which is sex that is committed by force. Consensual sex is not seen as morally wrong because it is often viewed as a manifestation of individual freedom and autonomy. Is that really the case?

Kant rejects this idea. According to him, moral sex isn't necessarily achieved by agreement or consensus between the participants. If two people agreed on a sexual matter and engage in it by agreement, without coercion, this does not mean that the act is morally valid. Kant's reasoning is that the use of sexual faculties must also be compatible with morality or the right of humanity within us. When two people who aren't bound by marriage agree to have sexual intercourse, the agreement itself violates the right of humanity in themselves. The goal of achieving sexual satisfaction through consensual sex is nothing more than a conspiracy to objectify their bodies as a means. In other words, sexual consent, even if it is autonomous, still violates the moral law because it degrades the body as a mere means. Therefore, even consensual sex is immoral.<sup>25</sup>

Kant holds that moral autonomy applies only to actions that are consistent with the moral law. Moral autonomy means self-regulation according to the categorical imperative. Therefore, moral autonomy does not apply to actions that violate the moral law. An autonomous agreement among a gang of thieves doesn't make theft morally valid. A consensus, Kant argues, has moral force only if it is consistent with the moral law. Therefore, any action that is contrary to the moral law isn't morally consensual. It isn't the procedure of performing the action that determines whether it is moral or not, but the nature of the action itself. Making oneself merely an object or allowing oneself to be objectified by others, for example through slavery or prostitution, is morally wrong and therefore cannot be the subject of moral consent. "The moral ground for so holding is that man is not his own property, and cannot do as a person pleases with their body,"<sup>26</sup> Kant argues. So, autonomy doesn't make the act morally legitimate. This is where freedom confronts the norms of moral law.

## Sex and Human Nature

Even if sex is intrinsically opposed to morality, this doesn't mean that sexuality is parasitic on our humanity. Kant says that sexuality is part of the animality in us. Animality is one of the three natural predispositions of human beings. The other two are humanity and personality. These three predispositions (animality, humanity, and personality) are primordial, for they are the conditions that make us human beings. The relationship between these three predispositions is fundamental: the predisposition of animality is the basis for the predispositions of humanity and personality, and the predisposition of humanity is the basis for the predisposition of personality. Animality predisposes us as living beings motivated by instinct, humanity predisposes us as rational beings motivated by reason, and personality predisposes us as responsible beings motivated by the moral law.<sup>27</sup>

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<sup>25</sup> Elizabeth Brake, "Justice and Virtue in Kant's Account of Marriage," in *Kantian Review*, vol. 9 (March 2005), 65-66.

<sup>26</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," 157.

<sup>27</sup> Immanuel Kant, "Religion Within the Boundaries of Mere Reason (1793)," in: *Religion and Rational Theology*, ed. Allen W. Wood and George di Giovanni (Cambridge: Cambridge University Press, 1996), 74-75.

In human life, the animal nature is the most fundamental. This predisposition shows that our status is no different from that of animals in general, which are creatures that have instincts. These include the instinct for self-preservation, the instinct to perpetuate the species through sexual drive, and the instinct to form communities with others.<sup>28</sup> Such drives are found not only in humans but also in the animal kingdom. Without the instinct to eat and drink, we would die of hunger and thirst. And without the sexual drive, our species and other animals would be extinct. According to the basic relationship between the three predispositions mentioned above, without the animal instincts to eat, drink, have sex, and associate with others, we could not have become beings with a predisposition to humanity and personhood. Human beings, Kant argues, may use these predispositions unnaturally, but they cannot be abolished.<sup>29</sup>

Kant says that the essence of sex is animality. The unity of the body in sex “is in itself merely an animal unity.”<sup>30</sup> The characteristic of animality in sex is that it functions without thought; it arises purely from instinct. Unlike the other two predispositions, the instinct of animality is the only predisposition in human beings that doesn’t require reflection in its realization. In other words, to the extent that it works in accordance with its natural purpose, it produces good.<sup>31</sup> But it can also work in a way that deviates from these natural purposes, as mentioned above. Today, for example, unnatural sexual practices are often engaged in for the purpose of maximizing pleasure. Under such conditions, sex is no longer natural. Therefore, Kant says that this instinct must be mastered and controlled so that it doesn’t interfere with the other two predispositions (rationality and humanity). For example, if the instinct to eat and drink or to have sex isn’t controlled, it will be destructive to our rationality and humanity. But if these dispositions are properly controlled, they will lead toward goodness, Kant says.

### Natural and Unnatural Sex

In accordance with the above predisposition, Kant then distinguishes between natural and unnatural sex. Natural sex is sex through which “procreation of a being of the same kind is possible.”<sup>32</sup> Like the animal predisposition above, Kant says that natural sex desire aims at the creation of offspring and thus the continuation of the human species. “Just as love of life is destined by nature to preserve the person, so sexual love is destined by nature to preserve the species,”<sup>33</sup> Kant writes. This preservation of the species is not a goal determined by human beings based on their rational disposition. For even non-rational animals naturally preserve their species in accordance with their animal nature. This preservation of the species is the work of nature itself, and for this purpose nature has “implanted the inclinations of the sexes for each other.”<sup>34</sup>

<sup>28</sup> Kant, “Religion Within the Boundaries of Mere Reason (1793),” 75.

<sup>29</sup> Kant, “Religion Within the Boundaries of Mere Reason (1793),” 76.

<sup>30</sup> Kant, “The Metaphysics of Morals (1797),” 549.

<sup>31</sup> For example, the instincts for food and sex in animals generally produce good in the animal and its species. Kant, “Religion within the Boundaries of Mere Reason (1793),” 76.

<sup>32</sup> Kant, “The Metaphysics of Morals (1797),” 427.

<sup>33</sup> Kant, “The Metaphysics of Morals (1797),” 548.

<sup>34</sup> Kant, “The Metaphysics of Morals (1797),” 427.



Conversely, sex is unnatural when the use of the sexual faculty is inconsistent with the above purposes. As examples of unnatural sex, Kant points to sex “either with a person of the same sex or with an animal of a non-human species,”<sup>35</sup> namely homosexuality and bestiality. Thus, Kant holds that all sex that isn’t heterosexual is unnatural. He considers such sex to be “unnatural crimes against the body” (*unnatural carnal vices*) or “crimes against the body contrary to nature” (*crimina carnis contra naturam*).<sup>36</sup> Kant also refers to masturbation as “an unnatural use (and so misuse) of one’s sexual attributes”, and this amounts to “a violation of one’s duty to oneself, and indeed one contrary to morality in its highest degree.”<sup>37</sup> Unnatural sex is a violation of the right of humanity because of their unnaturalness, namely, that procreation is not possible through such sexual acts.

In the *Doctrine of Virtue* of *The Metaphysics of Morals*, which discusses “man’s duty to himself as an animal being,” Kant presents a rational proof to show that the “unnatural, and even merely unpurposive, use of one’s sexual attributes 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).”<sup>38</sup> The basis of this proof is that by such sexual acts a person has abandoned or discarded their personality, since they are using themselves merely as a means of satisfying the animal desire within.<sup>39</sup> Therefore, as with the problem of objectification, unnatural sex is morally wrong because it degrades human person to a mere means.

Another problem that arises in unnatural sex is the reversal of the relationship between predisposition of animality and of humanity. Unnatural sex is committed unnaturally. That is, it is done by using the rational reflective capacity of humanity -- no longer natural according to animal predispositions! -- to think about which sexual acts can give the most pleasure. It shows that human beings, as rational beings, no longer control their animal predisposition, but rather use their rational predisposition to satisfy their animal instinct. In other words, instinct is no longer controlled by reason, but reason functions to serve instinct.

But Kant also says that natural sex isn’t moral in itself. Natural sex, that is, sex that can produce offspring, can also violate the right of humanity. In his *Lectures on Ethics*, Kant discusses the kinds of sex that are natural but immoral. Such sex is immoral because it degrades humanity by treating the human body as a mere object or means to an end of pleasure. Such types of sex include extramarital sex, prostitution, concubinage (*kumpul kebo*), incest, and polygamy.<sup>40</sup>

According to Kant, prostitution is immoral because people consciously treat their bodies as mere means. Kant makes an interesting argument here. In the act of prostitution, he says, the prostitute may only be selling her *organa sexualia* to another person. However, Kant argues that selling a part of the body is the same as selling the whole body, because an organ cannot be separated from the whole body. Therefore, enjoying a part of the body is the same as enjoying the whole body. This is because the body is an absolute

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<sup>35</sup> Kant, “The Metaphysics of Morals (1797),” 427.

<sup>36</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 160-161.

<sup>37</sup> Kant, “The Metaphysics of Morals (1797),” 549.

<sup>38</sup> Kant, “The Metaphysics of Morals (1797),” 549.

<sup>39</sup> Kant, “The Metaphysics of Morals (1797),” 549.

<sup>40</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 160-162.

unity. "But acquiring a member of a human being is at the same time acquiring the whole person, since a person is an absolute unity,"<sup>41</sup> Kant writes in *The Doctrine of Right*. Since every human being is an absolute unity, the act of objectifying a particular part of the body is the same as objectifying the whole body as a person.

Kant adds that human beings don't have the right to sell parts of their body because we, as human beings, are not things, not objects. Since we aren't things, we aren't the property of anyone. Our bodies aren't our own property either. Our relationship with our bodies isn't one of ownership, any more than we own a book or a pen, for example. As human beings, we are persons.<sup>42</sup> As persons, we are subjects who can of course own property. We can treat that property as we wish, just like the pen we own. But our body isn't our property. My body is me; I exist because I have a body. So, it's not that I exist first, and then my body is added to me. In that sense we become persons. We are person, and therefore we are not property, and we cannot be property at will. And as a person with property, we can't be property at the same time.<sup>43</sup>

"He is, however, a person, who is not property, so he cannot be a thing such as he might own; for it is impossible, of course, to be at once a thing and a person, a proprietor and a property at the same time."<sup>44</sup> With this reasoning, Kant concluded, "a man cannot dispose over himself; he is not entitled to sell a tooth, or any of his member."<sup>45</sup> In short, Kant is saying that as moral beings we should not treat our bodies as we please. As explained earlier, we as human beings are bound by the rights of humanity.

Similar moral arguments were used by Kant to reject polygamy, contract marriage, and concubinage (*kumpul kebo*). In addition to objectification, degradation of the body to a mere means, that often occurs in these forms of relationships, these sexual relationships also involve moral problems, namely injustice or inequality. Kant writes: "It is a contract, to be sure, but an unequal one, in which the rights of the two parts are not the same."<sup>46</sup> Where is the injustice in polygamy or contract marriage? Here Kant points to the inequality between men and women. He believed that women are generally inferior to men, whether sociologically, culturally, or physically. In such relationships, women are generally in a more inferior position than men, and therefore such contracts often result in relationships that are unjust and disadvantageous to women.<sup>47</sup>

But Kant did not primarily use social or cultural arguments to show the injustice of polygamy, cohabitation, or contract marriage. His argument remains based on rational thought. In polygamy, Kant says, "each wife would have half a husband, since she has given herself totally to him, and thus has a total

<sup>41</sup> Kant, "The Metaphysics of Morals (1797)," 427.

<sup>42</sup> Person is an important concept in Kant's philosophy, both in his theoretical and practical philosophy. Person is the subject of thought, that is, a human being who has a concept of "I". Person is also a subject who is responsible for his actions. In his practical philosophy, Kant defines person as the subject of moral-practical reason. Thus, the person is a being who is able to act and determine himself freely on the basis of his reason. More on Kant's understanding of the subject or person, see Fitzgerald Kennedy Sitorus, *Das transzendente Selbstbewusstsein bei Kant. Zu Kants Begriff des Selbstbewusstseins im Lichte der Kritik der Heidelberger Schule*, 196.

<sup>43</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," 157.

<sup>44</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," 157.

<sup>45</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," 157.

<sup>46</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," 158.

<sup>47</sup> I think Kant's socio-cultural argument is acceptable here, although it cannot be said that all contract marriages or polygamy are injustice to women.

right to his person as well.”<sup>48</sup> Here Kant understands that since the husband also shares himself with his other wives, it is impossible for him to give himself totally to each of them, while each wife gives herself totally to the husband. Therefore, polygamy is unjust.

To conclude his argument against these forms of sexual relations, Kant writes: “There are therefore moral grounds that tell against *vagae libidines*; grounds that tell against concubinage; and grounds that tell against polygamy in *matrimonium*; so in the latter we only have monogamy. Under this condition alone may I employ the *facultas sexualis*. We can say no more on the subject at present.”<sup>49</sup>

#### Four Sexual Crimes (*Crimina Carnis*)

Based on the moral law or the rights of humanity that binds every human being, as described above, Kant also analyzed sexual acts that are considered crimes. Specifically, in his *Lectures on Ethics*, Kant discussed four sexual crimes (*crimina carnis*, literally: crimes of the flesh), namely, masturbation, homosexuality, bestiality (sex between humans and animals), and incest. Sex crimes are the abuse of sexual faculties. They are called crimes because they are contrary to one’s duty to oneself, that is, they are contrary to the purpose of humanity in terms of sexuality, as well as to the animalistic predisposition described above.<sup>50</sup>

Kant divides sexual crimes (*crimina carnis*) into *secundum naturam* and *contra naturam*. Crimes *secundum naturam* are sexual crimes against sound reason, while crimes *contra naturam* are sexual crimes against our animal nature. Sexual crimes *secundum naturam* include *vaga libido* (uncontrollable lust), which includes prostitution (*scortatio*) and concubinage (*concubinatus*). Meanwhile, *contra naturam* sexual crimes include incest, masturbation, homosexuality (*sexus homogenii*), and bestiality.<sup>51</sup>

Kant says that masturbation is a sexual crime *contra naturam* because it goes against our natural instincts or animal instincts. Kant understands masturbation as the use of sexual faculties without the presence of an object. Masturbation is immoral because it uses the body only as a means to achieve sexual satisfaction. Masturbation is a total surrender to pleasure. For this reason, Kant considers masturbation to be the worst moral violation of one’s duty to oneself. Kant even states that masturbation is worse than suicide, because suicide still requires courage and a certain respect for humanity, while in masturbation a person consciously surrenders to their animalistic tendencies. Masturbation, says Kant, “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.”<sup>52</sup>

Homosexuality (*sexus homogenii*) is also a *crimina carnis contra naturam* because, although the object of sexuality is human, it goes against the nature of animality because the sexual relations can’t be

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<sup>48</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 159.

<sup>49</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 159.

<sup>50</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 160-162.

<sup>51</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 160-162.

<sup>52</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 161. This moral view of masturbation may be somewhat at odds with today’s common view that masturbation is a normal phenomenon in the developmental process of human sexuality. But I am not discussing this further here.

expected to produce offspring. By calling it a “body crime against nature,” Kant also intended to say that homosexuality is even lower than animals, because even animals do not engage in homosexual activity. Homosexuality also contradicts the purpose of humanity because, as stated earlier, the purpose of sexuality as an animality is to preserve the human race without harming humanity. “Nature’s end in the cohabitation of the sexes is procreation, that is, the preservation of the species. Hence one may not, at least, act contrary to that end,”<sup>53</sup> Kant writes. Since homosexuality can’t be expected to preserve the human race, but is practiced anyway, this sexual act can be considered to be determined solely by sexual pleasure. Therefore, in homosexuality, “I forfeit my person, and so degrade myself below the beasts, and dishonour humanity.”<sup>54</sup>

Bestiality, on the other hand, is a *crimina carnis contra naturam*, because even if the object of sexuality is of a different sex, it isn’t human, and therefore contradicts the predisposition of animality. Kant asserts that “no animal is capable of any such *crimina carnis contra naturam*.”<sup>55</sup> Thus, bestiality is also immoral because such sexual activity is incompatible with the purpose of humanity.

Incest is the most controversial of the sexual phenomena. What moral issues are raised by this sexual act? Is incest a sexual crime *secundum naturam* or *contra naturam*? Kant says that, based on natural instincts, incest is a *crimina carnis secundum naturam* (sexual crime against sound reason) and not a *crimina carnis contra naturam* (sexual crime against animal nature). Incest isn’t a *contra naturam* crime because it is a sexual intercourse between two different sexes, and animal sexual intercourse is promiscuous and therefore not *contra naturam animalium* (against the nature of animality). But from the point of view of common sense (the judgment of understanding), incest is *contra naturam*.<sup>56</sup>

Kant says that the development of civilization has made incest a forbidden act, both legally and morally. In the primeval state of nature, incest was not a problem because the father had to have sexual relations with his daughter for the continuation of the species. In civilized societies, the situation is different. Incest is immoral because human relationships are reduced to sexual relationships only. There is an objectification of human beings into objects that serve only as means for sexual pleasure. In a civilized society, it is almost impossible for people to find themselves in a situation where incest must be committed to preserve offspring. In addition, there is often a moral problem of injustice or inequality in incest because one party, such as the father, is more powerful than the daughter.<sup>57</sup>

In order to show incest as *crimina carnis contra naturam*, Kant uses natural living situations. He says that primitive people who live naked tend to be cold between the sexes. Not only in primitive tribes, but also in civilized societies, the sexual desire of people who have known each other since childhood tends to be cold. A stranger who is new is often more sexually attractive. That means, nature does not favor incest either, as “nature has already by itself set limits to such inclinations between siblings,”<sup>58</sup> says Kant.

<sup>53</sup> Kant, “The Metaphysics of Morals (1797),” 550.

<sup>54</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 161.

<sup>55</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 162.

<sup>56</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 160.

<sup>57</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 159-160.

<sup>58</sup> Kant, “Moral Philosophy: Collin’s Lectures Notes,” 159.

### Morally Valid Sex: Marriage

The various forms of sexual relations discussed above are immoral because, *first*, they use another person's body as an object or means to achieve the goal of sexual satisfaction (*objectification*); *second*, the inequality between men and women makes the sexual act unequal or unfair (*injustice*); and *third*, through the sexual act, people degrade themselves as means to achieve sexual satisfaction (*self-degradation*). These three problems are moral problems because they violate the right of humanity that binds us as human beings. The first two are immoral because they conflict with moral obligations to others, while the third conflicts with moral obligations to oneself, as explained above.<sup>59</sup>

So, what kind of sex is morally legitimate? Kant's answer is unequivocal: the only form of sexual intercourse that is morally legitimate, namely not violating the right of humanity, is one which takes place within the context of marriage.<sup>60</sup> Kant's argument for marriage is by no means cheap, religious, or moralistic. Kant offers a very rational argument as to why marriage is the only framework that guarantees that sex doesn't fall into moral violation. The character embodied in the concept of marriage, as Kant understands it, can prevent sex from falling into the moral transgressions discussed earlier. Here, Kant understands marriage not in a cultural or religious sense, but in a legal sense.

What is marriage? We can better understand Kant's conception of marriage by looking at the *locus* of the discussion of this concept in his moral philosophy. Kant discusses the marriage in the section of *The Doctrine of Right* in *The Metaphysics of Morals*. The discussion of this topic in the right sphere does not simply mean that legal marriage must be guaranteed by law. Kant's conception of marriage also includes conceptual elements of property rights, rights to external objects, contract law, and rights to persons as things ("On rights to persons akin to rights to things"). By including these issues in the concept of marriage, marriage can be seen as a sexual relationship according to human law. Kant then defines marriage (*matrimonium*) as "the union of two persons of different sexes for the lifelong possession of each other's sexual attributes."<sup>61</sup> Although this definition is quite short, it encapsulates the important moral views that make marriage the only place where sexual relations are morally valid.

Let's analyze the definition. Kant says that marriage should be a union of two people of different sexes. It is in accordance with our animal nature that sex is meant to preserve offspring. Homosexual marriages certainly can't be expected to produce offspring, and therefore such marriages go against our human nature. The impossibility of procreation is the reason why homosexuality is considered unnatural sex. According to Kant, natural sex is always heterosexual.

But Kant also states that although marriage must be heterosexual in order to produce offspring, this does not mean that marriage is invalid if it does not bring about offspring. For if the existence of offspring is the factor that makes a marriage valid, then the marriage can be dissolved if procreation isn't possible, for example, if one of the partners is infertile. Therefore, Kant says, the existence of offspring "is not requisite for human beings who marry to make this their end in order for their union to be compatible with

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<sup>59</sup> Brake, "Justice and Virtue in Kant's Account of Marriage," 64.

<sup>60</sup> Kant, "The Metaphysics of Morals (1797)," 427.

<sup>61</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," 427.

rights, for otherwise marriage would be dissolved when procreation ceases.”<sup>62</sup> So, in the context of marriage, the goal of procreation is only a negative criterion, i.e. one shouldn't act against it, for example through homosexual marriage. But one need not make it a positive goal to be actively pursued in order to make marriage morally valid. The requirement of heterosexual marriage is meant to prevent marriage from being based solely on a pleasure-seeking desire that leads us to insult our humanity through unnatural sex. From this conception we can also conclude that, in Kant's view, we have no positive obligation to pursue procreation in marriage.<sup>63</sup>

Why does sexual intercourse within marriage not violate morality? Does sexual intercourse within marriage also not fall into objectification? Isn't the body also seen and treated as an object in such a relationship? What is the difference between sexual relations within and outside of marriage?

The answer to these fundamental questions is contained in a short, concise phrase: “the lifelong possession of each other's sexual attributes.” This phrase contains dense thoughts about freedom, property rights, the selfhood of husband and wife, equality, and the primacy and exclusivity of marriage. By saying “lifelong”, Kant means that marriage is an exclusive relationship that can't be annulled. The exclusivity of marriage is also evident from the fact that it is the only human relationship that lasts for life. With its lifelong duration, marriage is expected to extend beyond the boundaries of sexual relations. The exclusivity and lifelong duration encourage couples to make each other happy, assuming that my partner's happiness is my happiness. If I already know that he or she is my partner for life, then it is reasonable to expect that I will strive for my partner's happiness because, based on the mutual relationship, if my partner is happy, he or she will also strive for my happiness. So, my happiness lies in my partner's happiness and vice versa.<sup>64</sup>

Based on such thinking, marriage in Kant's conception is no longer limited to moral-sexual relations, but rather becomes a manifestation of virtue because it strives for the happiness of others, in this case the spouse. Marriage, therefore, can theoretically transform men and women into better and happier human beings. This is the virtue dimension of marriage.<sup>65</sup>

Meanwhile, the phrase “possession of each other's sexual attributes” is meant to ensure mutuality, equality, and freedom in the relationship between husband and wife. They own each other. It isn't the husband who owns the wife, or vice versa. With these characteristics, sex in marriage doesn't fall into objectification. This is why Kant discusses marriage in *The Doctrine of Right*. In this section, Kant discusses, among other things, the right to external objects. The sexual organs of the spouses are external objects. According to moral and legal norms, we have the right to use external objects if they are our property. “To have something external as one's own means to possess it rightfully; but possessing something is the condition of its being possible to use it,”<sup>66</sup> Kant writes. Property is the domain of freedom

<sup>62</sup> Kant, “Moral Philosophy: Collin's Lectures Notes,” 427.

<sup>63</sup> Kant's view on the status of offspring in marriage is relevant today in the wake of the popularity of child-free culture, namely, heterosexual marriage that deliberately don't want to have children. For a discussion of this theme see, for example, Dirk Konietzka and Michaela Kreyenfeld, eds., *Ein Leben Ohne Kinder Ausmaß, Strukturen Und Ursachen von Kinderlosigkeit* (Berlin: Springer Fachmedien, 2013).

<sup>64</sup> Brook J. Sadler, “Marriage: A Matter of Right or of Virtue? Kant and the Contemporary Debate,” *Journal of Social Philosophy*, 44, no. 3 (Fall 2013), 221.

<sup>65</sup> Sadler, “Marriage: A Matter of Right or of Virtue? Kant and the Contemporary Debate,” 227.

<sup>66</sup> Kant, “The Metaphysics of Morals (1797),” 494.

of action. If this pen is my property, then I have the right and freedom to use it. Now, through marriage or “sexual union in accordance with law,”<sup>67</sup> the sexual attributes of my partner become my property, and as such, I am entitled and free to use them, and vice versa.

It is the nature of the relationship that keeps sexual relations in the context of marriage from falling into objectification. In fact, as explained earlier, in sexual relations each partner sees the other as a physical object, as a means for achieving sexual satisfaction. Both are objectifying each other. I give myself completely to my partner for his pleasure. In this sense, I am an object to him. But conversely, my partner does the same to me. He is an object to me. This dialectical relationship means that the two selves that merge in sexual intercourse regain their lost selves: they remain intact as themselves. The equality in the union prevents them from losing themselves. Kant argues,

The two of them mutually acquire each other; each becomes *dominus* of the other and in that case remains also self-possessing, and is free. This is the institution of *matrimonium*, and consists, therefore, in an enduring mutual right to sexual intercourse (*jus mutuum perpetuum ad commercium sexuale*), i.e. for a continuing enjoyment of the sexual organs and functions (*membra sexualia et facultates*); here, both parties reciprocally acquire their whole condition of life (*conditio vitae*) and each is in the other's power, the other's master (*in dominio alterius dominus ejus*).<sup>68</sup>

In other words, in an equal and reciprocal relationship, there is no objectification. I lose myself by being objectified by my partner, but it is precisely in losing myself that I regain myself, because I also objectify the partner who objectified me. Kant explains,

But if I hand over my whole person to the other, and thereby obtain the person of the other in place of it, I get myself back again, and have thereby regained possession of myself, for I have given myself to be the other's property, but am in turn taking the other as my property, and thereby regain myself, for I gain the person to whom I gave myself as property. The two persons thus constitute a unity of will. Neither will be subject to happiness or misfortune, joy or displeasure, without the other taking share in it. So, the sexual impulse creates a union among persons, and only within this union is the use of it possible. This condition upon utilizing the sexual impulse, which is possible only in marriage, is a moral one.<sup>69</sup>

Here we see sexual equality, freedom, and justice in marriage. These moral qualities are not present in previous forms of sex. Sex is only just when the participants have equal ownership of each other's attributes. This is also freedom. And because of mutual ownership, when I use my partner, I'm not objectifying him/her because he/she's doing the same to me. “Since marriage is a reciprocal giving of one's

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<sup>67</sup> Kant, “The Metaphysics of Morals (1797),” 427.

<sup>68</sup> Kant, “Kant on the Metaphysics of Morals: Vigilantius's Lecture Notes,” in *Lectures on Ethics*, 378.

<sup>69</sup> Kant, “Moral Philosophy: Collin's Lectures Notes,” 159.

very person into the possession of the other, it must *first* be concluded, so that neither is dehumanized through the bodily use that one makes of the other.”<sup>70</sup>

Of course, we must remember that marriage does not change the natural characteristics of the sexual act. Sexual acts performed outside and inside of marriage are practically not different. However, marriage is important here because it provides the formal conditions for sexual relationship so that its negative moral implications can be avoided. By establishing lifelong ownership of a partner's sexual attributes, marriage can counteract the arbitrariness of sexual desire and also prevent partners from being used as interchangeable objects of sexual pleasure. For this reason, Kant emphasized that marriage should be monogamous and lifelong. “[T]he marriage contract is not up to their discretion but is a contract that is necessary by the law of humanity.”<sup>71</sup> Legal, monogamous marriage between a man and a woman is thus the only condition for sexual acts compatible with human dignity.

The phrase “lifelong possession of each other's sexual attributes” also implies the exclusivity of the marital relationship in relation to outside parties. Both husband and wife have the right to prohibit or not allow their partner's sexual attributes to be used by others. Neither husband nor wife may give or allow their own sexual attributes to be used by others, because in the context of marriage their sexual attributes are no longer their own, but belong to their spouse as well. Thus, for a married person, infidelity, even if consensual, is still a crime, because in such cases a person gives his or her own sexual attributes (which also belong to another person, namely the spouse) to be enjoyed by another person. In the context of marriage, the principle “this is my body” cannot be used to justify infidelity. Marriage has ensured that “right against a person is also akin to a right to a thing” and therefore, Kant says, “if one of the partners in a marriage has left or given itself into someone else's possession, the other partner is justified, always and without question, in bringing their partner back under their control, just as it is justified in retrieving a thing.”<sup>72</sup> Thus, infidelity isn't a sign of freedom or power over one's own body, but on the contrary, a sign of the degradation of one's dignity.

For the reasons outlined above, Kant then advises that “if a man and a woman want to enjoy each other's sexual attributes they must necessarily marry, and this is necessary in accordance with pure reason's law of right.”<sup>73</sup> By the pure reason's law of right, we mean the principles of rational logic, including the imperatives and consequences of marriage, as described above. For Kant, then, marriage is a moral imperative, the only form in which the sexual desire can be morally satisfied. The only moral alternative to marriage is to abstain from sexual activity altogether. Kant himself practiced this doctrine in his life: he didn't marry and was therefore celibate.

### **Kant in the Contemporary Debate on Sex**

One of Kant's distinctive features in philosophizing is his ability to construct rational arguments on various subjects, relying solely on pure thought. We see the results of such a method in his thoughts on

<sup>70</sup> Kant, “The Metaphysics of Morals (1797),” 495.

<sup>71</sup> Kant, “The Metaphysics of Morals (1797),” 427.

<sup>72</sup> Kant, “The Metaphysics of Morals (1797),” 427.

<sup>73</sup> Kant, “The Metaphysics of Morals (1797),” 427.



sex and marriage, as outlined above. Without reference to religious teachings, traditions, or contemporary culture, but solely on human dignity itself, Kant is able to make rational moral arguments to reject forms of sex that are considered immoral, and then to propose alternatives that he considered moral. The result is a philosophy that is highly rational but sometimes unrealistic. This is Kant's strength. But it may also be his weakness.

Since it refers to purely rational thought, Kant's reflections on sex and marriage may seem primitive and outdated to today's eyes. Especially within the context of Western culture, where views on sex and marriage have changed considerably since Kant's time. It is not surprising, then, that some commentators have found Kant's thinking conservative, narrow-minded, primitive, or even shameful. Susan Mendus, for example, argues that "His [Kant's] treatment of the topic [sex and marriage] is notorious, an embarrassment to moral philosophers and philosophers of law alike."<sup>74</sup> Barbara Herman, who takes Kant's views on sex and marriage seriously, writes: "Kant's views on sex, women, and marriage would be best forgotten by anyone who wanted to take Kant seriously. Or so I always thought."<sup>75</sup> Another famous Kantian expert, Allen Woods, also says that Kant's views on sex and marriage are "so extreme as to be either ridiculous or abhorrent to all enlightened people."<sup>76</sup>

But despite this negative assessment, it can't be denied that Kant's thought is influential in contemporary discussions of sex, women, and marriage. As outlined above, the main moral problem inherent in sexuality, according to Kant, is objectification. And objectification is a central concept used by feminists today to criticize gender injustice, the exploitation of women in the mass media, and the pornography industry. In his research, Allen Wood shows the history of the concept from Kant to Sartre to feminist Simone de Beauvoir and contemporary feminist Andrea Dworkin. Wood says that Sartre's views on sex, as outlined in his book *Being and Nothingness*, derive from Kant. In the book, Sartre writes that the sexual instinct works through the objectification of others. "My original attempt to get hold of the Other's free subjectivity through his objectivity-for-me is sexual desire,"<sup>77</sup> Sartre writes.

This concept of sexual objectification was later taken up by Simone de Beauvoir in *The Second Sex*, a book that often credited for laying the foundation for feminism. Radical feminist Andrea Dworkin also uses this concept of objectification in her book *Intercourse*; she sees all forms of sexuality as an objectification of women.<sup>78</sup> In other words, sexual objectification has become such a common concept in feminist discourse that its Kantian origins often go unnoticed. This is why, according to Elizabeth Brake, the relevance of Kant's ethics in feminism is not accidental.<sup>79</sup>

Kant's rational reflections on sex remain relevant today because of the values that he believed it carries. As outlined above, in Kant's view, sex practiced within the marriage has values such as virtue,

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<sup>74</sup> Susan Mendus, "Kant: An Honest but Narrow-Minded Bourgeois?," in *Essays on Kant's Political Philosophy*, ed. Howard Lloyd Williams (Cardiff: University of Wales Press, 1992), 175.

<sup>75</sup> Barbara Herman, "Could It Be Worth Thinking about Kant on Sex and Marriage?," 53.

<sup>76</sup> Allen W Wood, *Kantian Ethics* (Oxford: Oxford University Press, 2008), 224.

<sup>77</sup> Jean-Paul Sartre, *Being and Nothingness. An Essay on Phenomenological Ontology* (New York: Philosophical Library, 1956), 382.

<sup>78</sup> Allen W Wood, *Kant's Ethical Thought* (Oxford: Oxford University Press, 1999), 396-397.

<sup>79</sup> Brake, "Justice and Virtue in Kant's Account of Marriage," 58.

equality, justice, freedom, and more. On the other hand, unnatural sex is immoral because it is an affront to the right of humanity within us. It can take the form of objectification, injustice, or the degradation of the body to an object. It is from these values that commentators then interpret Kant according to their position.

Proponents of gay marriage, for example, reject Kant's distinction between natural and unnatural sex. They claim that the distinction is neither well-founded nor relevant because it is generally based on certain assumptions about the natural as well as on Biblical Scripture. If we look at what Kant has to say about marriage, Altmann says, then we can say that homosexual marriage also has virtues. Didn't Kant say that marriage isn't just about sex, but also about commitment, equality, freedom, and respect for one another? Kant also said that marriage is not obligatory to have offspring, and this is compatible with homosexual marriage. Gay marriage is a way for two partners to give to each other and make each other happy in a bond of equality and freedom guaranteed by law. And that is consistent with Kant's idea. Coupled with the non-absolute existence of offspring in marriage, heterosexual and homosexual marriages are morally equivalent, Altmann argues.<sup>80</sup> I would argue, however, that Altmann's view is unacceptable because it goes against the core of Kant's views on sex and marriage.

Kant was a defender of the traditional institution of marriage, which is a marriage that is regulated by law and takes place once in a lifetime between a man and a woman. Kant was not a liberal who took a neutral position on the choice of sexual orientation. But Kant's defense of monogamous marriage and sex within that marriage was not solely for the sake of morality itself. Barbara Herman rightly points out that Kant's defense of monogamous marriage was also intended to protect the rights of women, who have traditionally been victimized because of their unequal social, economic, physical and intellectual status vis-à-vis men. The moral violation that often occurs in sexual relations, namely the objectification of the body, generally affects women. In other words, the critique of immoral sex is also an attempt to protect women's rights.<sup>81</sup>

Kant's reflection also shows the moral dimension of marriage. Earlier we saw the virtue of marriage in the couple's efforts to make each other happy. By giving themselves completely to each other in a legally guaranteed and lifelong union, "the two persons thus constitute a unity of the will. Neither will be subject to happiness or misfortune, joy or displeasure, without the other taking share in it."<sup>82</sup> And as a unity of will, they are two different individuals who have become one autonomous couple; they are no longer two but one."<sup>83</sup>

Marriage is also consistent with Kant's moral imperatives. As outlined above, Kant's moral imperative states that human beings must never be used *merely* as means, but must *also* be ends in themselves. We have already seen the meaning of this "end in itself". It is an end that is internal, not external, i.e. something that lies outside the self. Kant also calls this "end in itself" a "natural end", namely

<sup>80</sup> Altman, "Kant on Sex and Marriage: The Implications for the Same-Sex Marriage Debate," 309-330; Altman, *Kant and Applied Ethics. The Uses and Limits of Kant's Practical Philosophy*, 139-164.

<sup>81</sup> Herman, "Could It Be Worth Thinking About Kant on Sex and Marriage?", 226.

<sup>82</sup> Kant, "Moral Philosophy: Collin's Lectures Notes," 159.

<sup>83</sup> Papadaki, "Kantian Marriage and Beyond: Why It Is Worth Thinking about Kant on Marriage," 284.

something that exists as a “cause and effect for itself.”<sup>84</sup> An example of this is the process of reproduction in organisms. In this process, organisms give birth to organisms of the same species, thus perpetuating the species. Marriage also treats human beings as ends in themselves. The sexual instinct has driven humans to have sexual relations across different sexes; the process of reproduction gives birth to offspring and thus preserves the human species. This means that in sex between two persons of different sexes within marriage, the human body is used not only as a *means* (to achieve sexual pleasure), but also as an *end* in itself, namely, the preservation of the human race achieved through the sex. In this sense, marriage is compatible with Kant’s principle of morality.<sup>85</sup>

## Conclusion

Kant anchors his reflections on sex and marriage in the status of humans as rational beings bound by moral law. In accordance with this status, he says that our predisposition toward humanity or rationality must control our predisposition toward animality or sexuality. In other words, the principle underlying Kant’s reflections on sex is that the manifestation of sexual acts must always be guided by rational thought, not the other way around. Judging from the structure of his argument, as outlined in this paper, we see that Kant’s sexual morality is more comprehensive than contemporary sexual morality, which is generally based only on the principle of individual freedom, and therefore allows homosexuality, same-sex marriage, sex outside of marriage, divorce, and another practices. Kant’s view is more comprehensive because he bases his theory on the concept of human nature.

This is precisely where the significance of Kant’s reflections on sex and marriage lies for us today: they equip us with rational moral arguments that can still be used to critically respond to contemporary phenomena in the field of sex. I believe that Kant’s rational moral judgments on sex and marriage, as outlined above, remain generally relevant to the Indonesian society today. Together with Kant, we can reject unhealthy sexual practices, which are often problematic in our social context (e.g., *kumpul kebo*, premarital sex, polygamy, prostitution, LGBT practices, etc.) using rational arguments that are open to everyone. That is, not with arguments based on religious teachings or certain cultural norms that apply only to certain groups.

In conclusion, we can say that studying Kant’s reflections on sex and marriage greatly helps us to construct and respond critically to the current debates on this theme and recast the issue into a more comprehensive perspective, in keeping with human dignity.

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