

**SOBRE UMA SUPOSTA INCOERÊNCIA
ENTRE A VISÃO KANTIANA SOBRE HOMOSSEXUALIDADE
E SUA CONCEPÇÃO DE AUTONOMIA**

**SOBRE UNA SUPUESTA INCOHERENCIA
ENTRE LA VISIÓN KANTIANA SOBRE LA HOMOSEXUALIDAD
Y SU CONCEPCIÓN DE AUTONOMÍA**

**ON A SUPPOSED INCOHERENCE
BETWEEN KANT'S VIEW ON HOMOSEXUALITY
AND HIS VIEW ON AUTONOMY**

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Resumo: Ha alguns respeitáveis comentadores de Kant que argumentam que as conclusões que ele chega em relação a imoralidade da homossexualidade, e alguns temas relacionados a sexualidade, como prostituição e casamento, não são justificáveis em seu sistema. Guyer argumenta que o princípio teleológico dos seres vivos não tem um papel normativo fundamental na filosofia moral de Kant, e embora Kant use o princípio em alguns aspectos do seu tratamento da sexualidade e em alguns argumentos contra o suicídio, ele não tem justificativa para fazê-lo sendo o princípio teleológico incompatível com sua visão de liberdade. Denis acredita que o apelo aos propósitos da natureza é uma parte limitada de seus argumentos em favor dos deveres para conosco, e não há justificativa para a visão kantiana de que a homossexualidade é imoral. Mas seriam estas interpretações de Kant corretas? Discuto neste artigo a visão de Kant sobre homossexualidade e sua justificação. Mostro, em oposição a Guyer e Denis, que o princípio teleológico e a Fórmula da Lei Universal da Natureza na discussão Kantiana sobre a homossexualidade têm um papel central e fundamental no sistema moral kantiano e uma correta compreensão de seu conceito de autonomia (liberdade positiva) requer pressuposições teleológicas, especialmente aquelas relacionadas ao propósito do instinto sexual na preservação das espécies e o papel do instinto do amor próprio na conservação de nossas vidas.

Palavras chaves: princípio teleológico; homossexualidade; autonomia; fórmula da lei universal da natureza

Resumen: Existen algunos respetables comentadores de Kant que argumentan que las conclusiones a las que este llega en relación a la inmoralidad de la homosexualidad, y algunos temas relacionados a la sexualidad, como la prostitución y el casamiento, no son justificables en su sistema. Guyer argumenta que el principio teleológico de los seres vivos no tiene un papel normativo fundamental en la filosofía moral de Kant y a pesar de que Kant use el principio en algunos aspectos de su tratamiento de la sexualidad y en algunos argumentos contra el suicidio, no tiene justificativa para hacerlo, siendo el principio teleológico incompatible con su

visión de la libertad. Denis cree que el apelo a los propósitos de la naturaleza es una parte limitada de sus argumentos en favor de los deberes que tenemos con nosotros mismos, y no hay justificativa para la visión kantiana de que la homosexualidad es inmoral. ¿Pero serían estas interpretaciones correctas? Discuto en este artículo la visión de Kant sobre la homosexualidad y su justificación. Muestro, en oposición a Guyer y Denis, que el principio teleológico y la fórmula de la ley universal de la naturaleza en la discusión kantiana sobre la homosexualidad tiene un papel central y fundamental en el sistema moral kantiano y una correcta comprensión de su concepto de autonomía (libertad positiva) requiere presuposiciones teleológicas, especialmente aquellas relacionadas al propósito del instinto sexual en la preservación de las especies y el papel del instinto del amor propio en la conservación de nuestras vidas.

Palabras clave: principio teleológico, homosexualidad, autonomía, fórmula de la ley universal de la naturaleza

Abstract: There are some very respectable Kant commentators who argue that Kant was not justified in using his own theory to reach the conclusions that he reached in relation to the immorality of homosexuality and some sex-related matters such as marriage and prostitution. Guyer argues that the principle that every natural organ and capacity has one and only one proper use (the teleological principle of living beings) has no fundamental normative role within Kant's moral philosophy and although Kant does use this principle, in some aspects of his treatment of human sexuality and in some of his arguments against suicide, he has no justification for doing so. From Guyer's viewpoint, the adoption of this principle seems to be incompatible with his fundamental principle of the unconditional value of human freedom. Denis believes that appeals to nature's purpose for particular drives constitute a limited part of Kant's arguments for duties to ourselves, concluding that there seems to be no support for the view that homosexual sex is wrong and that it cannot, like heterosexual sex, be made permissible by being put into a context of a mutually respectful relationship. But are these the correct interpretations of

Kant's views? Is it true that a) the teleological principle of living beings has no normative role in Kant's philosophy, b) that appeals to nature and the ends of nature have only a limited role in Kant's moral philosophy and c) that the right application of the Categorical imperative would never lead to the conclusions that Kant draws, that homosexuality is immoral? Here in this article it will be discussed Kant's view on homosexuality and how Kant justifies it. The analysis carried out will show (contrarily to Guyer and Denis) that the role of the teleological principle and the Formule of the Universal Law of Nature (FLUN) - act as if the maxim of your action were to become by your will a universal law of nature - in Kant's discussion of homosexuality is fundamental to the conclusions that he arrives on the immorality of homosexuality, suggesting that both, the teleological principle and the FLUN, have a role that is far from secondary in Kant's moral system. The next step is to analyze how (and if) Kant's views on homosexuality and Kant's strong reliance on the teleological principle to ground this condemnation are consistent with his views on freedom and autonomy. The surprising conclusion is that, contrarily to contemporary interpretations of Kant's moral philosophy, Kant's views on homosexuality are not inconsistent with his idea of autonomy, but rather, a full comprehension of his concept of autonomy (positive freedom), requires teleological presuppositions, especially those related to the purpose of the sexual instinct in preserving the species and the purpose of the instinct of self-love in the conservation of our lives.

Key words: teleological principle; homosexuality; autonomy; formule of the universal law of nature

The Kantian View on Homosexuality. Homosexuality, according to Kant, is a *crimina carnis contra naturam*. Thus, it is a crime against our animal nature. *Crimina carnis contra naturam* involves a use of the sexual impulse that is contrary to natural instinct and to animal nature (Kant, 1963, p. 160, AA 27, 391). There are three kinds of acts that Kant considers *crimina carnis contra naturam*: masturbation, homosexuality and bestiality. In relation to homosexuality Kant says:¹

A second *crimina carnis contra naturam* is intercourse between *sexus homogenii*, in which the object of sexual impulse is a human being, but there is homogeneity instead of heterogeneity of sex, as when a woman

¹ There is a slight difference between this translation and Cambridge translation *Lectures on Ethics*, transl. Peter Heath (Cambridge: Cambridge University Press, 1997). In the Cambridge edition it is written “ This also runs counter to the ends of humanity, for the end of humanity in regard to this impulse is to preserve the species without forfeiture of the person; but by this practice I by no means preserve the species, which can still be done through a *crimina carnis contra naturam*, only that there I again forfeit my person and so degrade myself below the beasts, and dishonour humanity ”. In fact, in the *Akademie* edition of *Vorlesungen über Moralphilosophie* (AA 27,399) it is written: “Dieses läuft auch wider die Zwecke der Menschheit, denn der Zweck der Menschheit in Ansehung der Neigung ist die Erhaltung der Arten ohne Wegwerfung seiner Person; hiedurch erhalte ich aber gar nicht die Art, welches noch durch ein *crimina carnis contra naturam* geschehn kann, nur da werfe ich meine Person wieder weg, also versetz ich mich hiedurch under das Thier und entehre die Menschheit”. The Cambridge edition then reproduces literally Collins’ notes. Infield, instead, spots that “which still can be done through a *crimina carnis contra naturam*” does not make any sense given what Kant has been said and replace the phrase for “as it can be by a *crimina carnis secundum naturam*”. In so doing, Infield sacrifice literalness to coherence and, I think, apprehends the spirit of this passage. This is the reason I use Infield’s translation in this extract (all my emphasis).

satisfies her desire on a woman, or a man on a man. This practice too is contrary to the ends of humanity; for the end of humanity in respect of sexuality regard is to preserve the species without debasing the person; but in this instance the species is not being preserved (as it can be by a *crimina carnis secundum naturam*), (my emphasis) but the person is set aside, the self is degraded below the level of animals, and humanity is dishonoured. (ibidem)

Crimina carnis against nature, as well as *crimina carnis secundum nature*, appears in *Moralphilosophie* under the general division of duties to oneself. In *Tugendlehre* Kant establishes an objective and a subjective division of the duties to oneself. The subjective division of man's duties to himself is related to whether the subject of duty (man) views himself as an animal (natural) and at the same time moral being, or merely as a moral being. According to Kant (1971, p. 82-83, TL AA 06, 419):

Now there are impulses of nature having to do with man's animality. These are instincts by which nature aims at: a) the preservation of the subject, b) the preservation of the species, and c) the preservation of the subject's ability to enjoy the pleasures of life, though still on the animal level only – The vices that here conflict with man's duty to himself are self-murder, the unnatural use of his sexual desire, and such immoderate consumption of food and drink as weakens his capacity for using his powers purposefully.

In *Tugendlehre* what Kant calls "the unnatural use of sexual desire" appears as a vice related to impulses of nature having to do with man's animality. There are instincts by which nature aims at the preservation of the subject, and self-murder conflicts with it. There are instincts by which nature aims at the preservation of the species, and the unnatural use of man's sexual desire conflicts with it. There are also instincts by which nature aims at the preservation of the subject's ability to enjoy the pleasures of life on the animal level, and immoderate consumption of food and drink weakens man's capacity to use his powers purposefully. One instance of an "unnatural use of sexual desires" is homosexuality. Kant reinforces it in *Rechtslehre* by saying:

Sexual union (*commercium sexuelle*) is the reciprocal use that one human being makes of the sexual organs and capacities of another (*usus*

memburum and facultatum sexualium alterius). This is either a natural use (by which procreation of a being of the same kind is possible) or an unnatural use, and unnatural use takes place either with a person of the same sex or with an animal of a nonhuman species. Since such transgression of principle, called unnatural (*crimina carnis contra naturam*) or also unmentionable vices, do wrong to humanity in our person, there are no limitations or exceptions whatsoever that can save them from being repudiated completely. (Kant, 1991, p. 96, RL AA 06, 278)

In these excerpts is clear that Kant's condemnation of homosexuality is connected fundamentally with the fact that it does not lead to the preservation of the species. It is in disagreement with the ends of humanity, because the end of humanity in relation to the sexual impulse is to preserve the species without debasing the person; homosexuality does wrong to humanity in our person, in Kantian parlance. The reason why, according to Kant, homosexuality does wrong to humanity, even though very controversial, seems to be fairly clear. The Categorical Imperative Formula of Humanity (FH) states: 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. As Kant has said, (a) the end of humanity in regard to the sexual impulse is to preserve the species without debasing a person. Even if it is not clear what Kant means by "debasing a person" in this context - probably he is suggesting that even the preservation of the species is not the final end and has always to be submitted to morality, i.e., people are not allowed to do just anything to preserve themselves- it is unquestionable, however, that in his view (b) the preservation of the species is the end of humanity in relation to the animal impulse of sexuality.

If this is right, homosexuality has to be condemned in Kant's view, because it necessarily and essentially does not lead to the preservation of the species. Proposition *b* is obviously questionable, but seems to be perfectly derivable from Kant's system, as we will see now. According to Kant:

In order for us to judge a body as being, in itself and in its inner possibility, a natural purpose, what is needed is that all its parts, through their own causality, produce one another as regard both their form and

combination, and that in this way they produce a whole whose concept ([if present] in a being possessing the causality in terms of concepts that would be adequate for such a product) could, conversely, be the cause of this body according to a principle that the connection of efficient causes could at the same time be judged to be a causation through final causes. In such a product of nature, just as each part exists only as a result *of* all the rest, so we also think of each part as existing for the sake of the others and of the whole, i.e., as an instrument. But that is not enough. Rather, we must think of each part as an organ that produces the other parts (so that each reciprocally produces the other). Something like this cannot be an instrument of art, but can be an instrument only of nature, which supplies all material for instruments (even for those of art). Only if a product meets that condition [as well], and only because of this, will it be both an organized and a self-organizing being, which therefore can be called a natural purpose. (Kant, 1987, p. 253, KU AA 05, 374)

Thus, in Kant a product of nature is an organised being, something whose parts have to be seen as completely integrated and acting as if they were part of a purpose and had, themselves, a purpose. As Kant says, it is more than a machine

for a machine has only motive force. But an organised being has within it formative force, and a formative force that this being imparts to the kinds of matter that lack it (thereby organising them). This force is therefore a formative force that propagates itself – a force that a mere ability [of one thing] to move [another], i.e., mechanism) cannot explain. (ibidem)

Organised beings, thus, have to be thought of as 1) having a purpose, 2) being part of a purpose, and 3) having the ability to propagate themselves. Kant makes the qualification, however, that the concept of a thing as a natural purpose is a regulative rather than a constitutive concept:

Hence the concept of a thing as in itself a natural purpose is not a constitutive concept either of understanding or of reason. But it can still be a regulative concept for reflective judgement, allowing us to use a remote analogy with our own causality in terms of purposes generally, to guide our investigation of organised objects and to meditate regarding their supreme basis – a meditation not for the sake of gaining knowledge either of nature or of that original basis of nature, but rather for the sake of [assisting] that same practical power in us [viz., our reason] by analogy with which we were considering the cause of the purposiveness in organised objects. Hence organized beings are the only beings in nature that, even when considered by themselves and apart from any relation to

other things, must still be thought of as possible only as purposes of nature. (ibid, p. 255, KU AA 05, 376)

With the idea of conceiving organised beings as a purpose of nature one does not gain anything in terms of knowledge of nature, but one gains a principle of judgement, a principle that could not be introduced otherwise, since we have no a priori insight whatever into the possibility of such a causality. According to Kant,

the principle, which is also the definition of organised beings is: An organised product of nature is one in which everything is a purpose and reciprocally also a means. In such a product nothing is gratuitous, purposeless, or to be attributed to a blind natural mechanism. (ibidem)

Now, one has a basis for departure from the mechanism of nature in terms of judgement. Through the concept of natural purposes one arrives at the idea that there is something more in nature than a mere collection of efficient causes without a purpose:

Now it is entirely possible that same parts in (say) an animal body (such as skin, bone, or hair) could be grasped as accumulations governed by merely mechanical laws. Still the cause that procures the appropriate matter, that modifies and forms it in that way, and that deposits it in pertinent locations must always be judged teleologically. Hence everything in such a body must be regarded as organized; and everything, in a certain relation to the thing itself, is also an organ in turn. (ibid, p. 257, KU AA 05, 377)

If bodies have to be judged teleologically, if everything in a body can be judged as having a purpose, then it is comprehensible that the purpose of sex in animal creatures is procreation. According to Kant (1971, p. 87, TL AA 06, 423), just as the natural function of the love of life is to preserve the individual, so the natural function of sexual love is to preserve the species. In other words, both of these are natural purposes. By a natural purpose he means such a connection of the cause with an effect that, without attributing intelligence to the cause, we must yet conceive it by analogy with an intelligent cause and so as if it produced the effect purposefully.

Kant's views on homosexuality and the role of the Formule of the Universal Law of Nature (FLUN). In fact, the Kantian view on sexuality in general and homosexuality in particular amazes the majority of Kant's contemporary commentators. Richards (1982) claims that the Kantian view on homosexuality is remarkably inconsistent with his idea of autonomy and according to Ruse,

there is no reason why homosexuals should reach out in a loving and giving relationship any less than do heterosexuals. At this level, whatever Kant himself says to the contrary, homosexuality is quite compatible with the categorical imperative – it is a good even.... Again, he spoke of 'the species not being preserved' and, considering the categorical imperative as a demand that actions be universalizable, no doubt, he thought that if we were all homosexual then humankind would come to a rapid halt. But if you remove the biology -as-unnatural -therefore immoral element, then nothing remains of Kant's objections. (Ruse, 1988, p. 194)

The problem is that there remain the questions of whether or not homosexuality is in fact compatible with Kant's Categorical Imperative, since Kant himself says it is not, and whether or not we are allowed to remove biological and teleological elements from Kant's theory.

Denis makes a similar claim as Ruse. According to Denis (1999), appeals to nature's purpose for particular natural drives constitute a limited part of Kant's arguments for duties to ourselves. The core of Kant's arguments for duties to oneself as an animal and moral being rests on appeals to our dignity and efficacy as rational beings. She points out that deviations from that strategy are, on Kant's own terms, unwarranted. The burden of proof is on Kant, or anyone else, who wants to show, by appeal to FH, that maxims of engaging in a given sort of sexual activity are (as such) wrong. She concludes by saying that there seems to be no support for the view that homosexual sex as such is wrong – that it cannot, like heterosexual sex, be made permissible by being put into a context of a mutually respectful (perhaps contractual) relationship.

Denis's argument is based upon a justification of duties to oneself, using basically the FH formulation of the Categorical Imperative, which, according to her, is the formulation most appropriate for grounding duties to oneself. She points out (*ibid*, p. 241) that FH does not ground a duty to abstain from homosexual

sex; appeals to nature's purposes cannot play as robust a role as Kant would need them to in order to establish homosexual sex as a vice. According to Denis (2001, p. 43) duties to oneself are most fruitfully understood as duties by reference to Kant's Formula of Humanity (FH). She argues that Kant has FH primarily in mind when arguing for the legitimacy of certain duties to oneself and that he has good reasons for this focus on FH in grounding duties to oneself. According to her:

While some of Kant's comments about particular duties to oneself, in the *Metaphysics of Morals* express concern that agents not will in a manner inconsistent with their own ends as a rational beings or with the purposes of nature in ways that refer to FUL/N or to FA/FRE, these comments are peripheral and do not bear the weight of justifying the duties in question as perfect or imperfect. ... I do not deny that Kant uses concepts from formulations other than FH in his discussion of duties to oneself to some degree. He does.... Nevertheless, Kant's heavy reliance on FH in his explanation of self-regarding duties and the vices opposed to them suggests that FH sheds the most light on the nature and import of duties to oneself. I take that as a strong justification for my focus on FH. (ibid, p. 76)

This is clearly not the case in relation to Kant's conception of homosexuality. It is true that Kant uses FH to explain why homosexuality does wrong to humanity in our person", but without the added premises that a) the end of humanity in regard to the sexual impulse is "to preserve the species without debasing person", and b) the purpose of the sexual instinct is the preservation of the species, would be a much more difficult (if not impossible) task for him to show that it is a duty to oneself not to engage in it. More specifically, without *a* and *b* he would not arrive at the conclusion that "such an unnatural use (and so misuse) of one's sexual attribute is a violation of duty to oneself, and *indeed one contrary to morality in its highest degree*" (Kant, 1971, p. 88, TL AA 06, 424 - my emphasis). With such a strong and clear affirmation, it is difficult to show that Kant's references to FULN in relation to homosexuality are secondary. In fact, it is in Kant's eyes such a serious violation exactly because it is in disagreement with what would be a law of nature and as such ends up being a threat to his views about purposiveness in nature. However, Denis affirms,

Kant explicitly denies that the unnaturalness of an act entails the viciousness of the act's maxim. After describing certain sexual practices as unnatural, Kant notes that 'it is not so easy to produce a rational proof that unnatural and even merely unpurposeful use of one's sexual attribute is inadmissible as being a violation of a duty to oneself'. (Denis, 2001, p. 107)

Nevertheless, when the quoted passage is examined, we see that Kant's worry was not with the proof that it constitutes a violation, but with the proof that it constitutes a violation in the highest degree. The continuation of the quoted passage is:

The ground of the proof is, indeed, that by it man surrenders his personality (throwing it away) since he uses himself merely as a means to satisfy an animal impulse. But this does not explain the high degree of violation of the humanity in one's own person by such a vice in its unnaturalness, which seems in terms of its form (the disposition it involves) to exceed even murdering one self ... But unnatural lust, which is complete abandonment of oneself to animal inclination, makes man not only an object of enjoyment but, still further, a thing that is contrary to nature, that is a loathsome object, and so deprives him of all respect for himself. (Kant, 1971, p. 88, AA 06, 424)

What Kant seems to be suggesting here is that in order to show that unnatural sex is a violation of duty in a high degree it is necessary not only to appeal to the concept of making ourselves a thing, but making ourselves a thing that is contrary to nature. And this is clearly beyond the scope of FH, or at least it requires some premises that are beyond the scope of FH.

The trouble with Denis and Ruse's account is that in fact, as we have seen, Kant's condemnation of homosexuality is based fundamentally on considerations about the preservation of the species, and so the Categorical Imperative Formula of the Law of Nature (FULN) - act as if the maxim of your action were to become by your will a universal law of nature- seems to be as adequate as FH to deal with the problem². It is important to pay attention to the

² The condemnation of homosexuality is very similar to suicide's condemnation by Kant, which does not need to use FH. Indeed, suicide condemnation is a clear example of a breach in the formula of the universal law of nature. .

fact that Cooke noticed that in the discussion about crimina *carnis contra naturam* (of which homosexuality is one instance), Kant uses additional premises, an additional teleological reflection that he does not use in the discussion about *crimina carnis secundum naturum*, of which prostitution, for example, is one instance. According to Cooke,

Here Kant makes use of an additional teleological reflection. He observes that the sexual act itself has a purpose, i.e., the preservation of the species. In order to be rational the rule or law that the free agent chooses to govern his or her conduct must be compatible with the teleological rule or law that specifies the kind of action the agent is performing, i.e., in this case a sexual act. In other words, if the sexual act has the purpose of preserving the species, it would be irrational, because contradictory, to perform that act and not will that end. (Cooke, 1991, p. 7)

Kant's reasoning is to suppose that certain instincts have a defined purpose - the purpose of self-love is preservation of life and the purpose of sex is the preservation of the species - and from this he concludes that when these instincts lead to acts that are contrary to these purposes, a contradiction is generated. Thus, when on the behalf of self-love, people commit suicide, it is in contradiction with the postulation that the purpose of self-love is to preserve our own lives. In the same line of reasoning, if the purpose of sex is the preservation of the species and on behalf of the sexual instinct people engage in homosexual acts or even bestial or masturbatory sex that is, acts that essentially do not lead to the preservation of the species, it contradicts the postulation that the purpose of sex is to preserve the species. Thus, rather than suspect that perhaps the teleological principle that he uses is not unconditionally true (that maybe the instinct of self-love does not aim at preserving our lives and the purpose of sex is not necessarily procreation), he opts to say that the acts - suicide and homosexuality- are essentially immoral. In fact, Kant seems to be using teleological judgements in a way that is fundamental to the conclusions he takes. In other words, without these teleological considerations, certain moral condemnations would not follow. In the case of homosexuality it is quite clear: without the presupposition that the purpose of sex is the

preservation of the species, the moral condemnation of homosexuality would not follow.

The Kantian idea seems to be that human beings have a duty to preserve their lives and preserve our species, and therefore all biological things connected with this, such as food and sex, can be the object of a regulated use, because they are not gratuitous. They have to be thought of as having a purpose, namely, to preserve the life of individuals and the species as such. Everything that in essence conflicts with these ends is morally condemned by Kant. Kantian moral condemnation of homosexuality (I say this without any agreement with his view) is clear and does not look unjustified within his system.

Homosexuality, suicide, freedom and the role of the teleological principle of living beings. Guyer (2002) argues that Paton (in his classical work *The Categorical Imperative: A study in Kant's Moral Philosophy*) was wrong to suppose that the derivation of duties in Kant's ethics crucially depends upon the assumption that everything in nature has one and only one proper purpose (even though he admits Paton was right to suppose that Kant recognizes that rational human action must always have an intended end to be realized in nature). According to Guyer

what Paton considered the second main element of Kant's moral teleology, the principle that every natural organ and capacity has one and only one proper use, has no fundamental normative role within Kant's moral philosophy, although it may serve as a heuristic principle of meta-ethics. Although Kant does use this principle, not only in some of his arguments against suicide but also in some aspects of his treatment of human sexuality he has no justification for doing so. (ibid, p. 162)

Guyer (ibid, p. 166) points out that any suggestion that nature itself sets certain ends for us seems incompatible with Kant's insistence upon both the unrestricted force and the unconditional value of human freedom, and he reminds us that in *Lectures on Ethics* Kant introduces a teleological element by holding that the exercise of freedom of choice must be compatible with the achievement of some independently specified essential human ends

when he says, for example, that the prime rule whereby I am to restrict freedom is the conformity to the essential ends of mankind. However, Guyer says that the essential ends of mankind are not some independent set of goods, suggested by inclination or anything else, to which our use of freedom must conform; the essential ends of mankind are nothing other than self-consistency in the use of freedom or the greatest possible use of freedom. Addressing the claim that morality requires the promotion of the realization of particular ends, Guyer's answer is that freedom of choice, in which our humanity consists, is the freedom to set particular ends for our actions, and it is unreasonable to suppose that we could place absolute value on this ability without also valuing our freedom to pursue and our ability to realize the ends we freely set. Making freedom our absolute value thus makes our ability to set and pursue ends in a way that is consistent with the greatest possible use of freedom as our ultimate end. According to Guyer (*ibid*, p. 171) Kant's ethics is teleological in a twofold sense: the fundamental principle of morality rests on the duty to make humanity itself our end, but the duty to make humanity itself our end implies the duty to promote the realisation of the particular ends that human beings freely choose, at least under appropriate circumstances. Guyer's thoughts are that the conception of freedom as the abstract object of human morality requires that freedom be compatible with the laws of nature, just as his conception of the collective happiness included in the highest good as the more concrete object of human morality requires the assumption that the achievement of such happiness is compatible with the laws of nature (*ibid*, p. 179). What neither of these teleological conclusions entails or even permits, however, is the assumption that nature can set specific goals for us in the way assumed by the principle that each natural organ or capacity has one and only one proper purpose, which is thereby automatically morally obligatory for us. His conclusion is that the proposition that is most commonly identified as the teleological element in Kant's ethics has no foundation within ethical theory at all, and is ultimately inconsistent with the full scope of human freedom (*ibidem*).

Guyer's claim that freedom has to be compatible with the ends of nature in order to be realised, and that Kant's ethics is

teleological in this sense, seems to be correct, therefore I will be taking it for granted. However, I will argue here that Guyer's claim that Kant's ethics is not teleological - in the sense that the teleological proposition that "a natural organ and capacity has one and only purpose" has no foundation in his ethical theory and is inconsistent with the full scope of human freedom, (even though he admits that Kant uses it in his discussion about suicide and sexuality)- does not do justice to Kant's philosophy. In fact, Guyer's view does not give a correct account of the Kantian views on "human freedom" and he does not pay sufficient attention to the role of FULN in Kant's philosophy, particularly in relation to the determination of some duties to oneself.

Let us pay attention to Guyer's statement that

in Kant's claims that nature's end in the cohabitation of sexes is the preservation of species and in the feeling of self-love is self-preservation he (Kant) does not assume that through sexual inclination nature suggests a variety of desires, some of which we may transform into freely chosen ends if they are consistent with the general end of preserving and promoting freedom itself. (ibid, p. 180)

Actually Kant does not admit that humans can transform some sexual desires into freely chosen ends if they are consistent with the general end of preserving and promoting freedom, simply because (unfortunately) in Kant's view there are some sexual desires that are not and cannot be consistent with freedom at all. The key to understanding Kant's view is his account of freedom. Kant distinguishes two senses of liberty. The first one is the transcendental (cosmological) liberty that is the power to begin a state on one's own (spontaneously) (Kant, 1996, p. 535, KrV B561). The second is practical freedom, defined as the independence of our power of choice (*Willkür*) from coercion by impulses of sensibility (ibid, p. 536, KrV B562). Negative practical freedom is the property of will that can be efficient independently of alien causes determining it (Kant, 1998, p. 52, GMS AA 04, 446) and positive practical freedom (autonomy) (ibid, p. 52, GMS AA, 447) is the will's property of being a law to itself or is the causality of a being so far as he belongs to the intelligible world (Kant, 1956, p. 137, KpV AA 05, 133). According to Kant:

The sole principle of morality consists in independence from all material of the law (i.e., a desired object) and in the accompanying determination of choice by the mere form of giving universal law which a maxim must be capable of having. That independence, however, is freedom in the negative sense, while this intrinsic legislation of pure and thus practical reason is freedom in the positive sense. Therefore, the moral law expresses nothing else than the autonomy of the pure practical reason, i.e., freedom. This autonomy or freedom is itself the formal condition of all maxims, under which alone they can all agree with the supreme practical law. (ibid, p. 33, KpV AA 05, 133)

The consistency between sexual desires and liberty that has to be maintained is the one between sexual desires and freedom as positive freedom, as autonomy, as the causality of a being that is a member of an intelligible world. Clearly, Kant considers that there are some sexual desires that are incompatible with this legislation proper of pure reason, incompatible with positive liberty. Positive freedom (autonomy) requires more than the mere capacity that human beings have of using reason, it requires an effective use of pure practical reason. It requires more than the mere capacity of making choices; it requires that some choices have to be made rather than others, since there are some choices that cannot harmonise with pure reason. If that is the case, the promotion of some sexual desires, in Kant's view, will in fact destroy freedom. Guyer's claim that "making freedom our absolute value thus makes our ability to set and pursue ends in a way that is consistent with the greatest possible use of freedom as our ultimate end" (Guyer, 2002, p. 167) has to be qualified. Which is the way that is consistent with the greatest possible use of freedom as our ultimate end? In Kant's view it is certainly more than to do whatever one wishes since it does not harm others, and more than the requirements of the Golden Rule. Kant's moral condemnation of homosexuality and suicide, rather than constituting an "alien" and unauthorized conclusion from his system, are in fact proof that the moral limit for the use of liberty stays some point beyond what conflicts with another's negative freedom.

What criterion is Kant using then? As I have already said, the compatibility that Kant requires is with positive liberty; namely, that people should act according to the principles given by pure

reason. It means that the maxim of the action has to be possible to be universalised. What is at stake here is not only practical reason, but particularly, what he calls pure practical reason. The obvious question that emerges is why pure practical reason would not allow certain sexual practices, including homosexuality and suicide. The only way to answer this question is by appealing to Kant's teleological principles. If it is assumed that each instinct has one and only one purpose and that the purpose of the sexual instinct is the preservation of the species, as well as the purpose of self-love is self-preservation, a contradiction clearly appears. In this case suicide based on the maxim of self-love leads to a contradiction between the maxim (kill oneself because of self-love) and the purpose of the instinct (the purpose of self-love is self-preservation). However, and this is the important point, suicide is only wrong in this case, precisely because here there is a contradiction. When Kant mentions suicide in *Tugendlehre*³ he admits in the "casuistic questions" that there are cases where suicide may be allowed, and all of these cases seem to be connected with the preservation of another end that overrides the duty of self-preservation (for example, preserve another's life, a country or humanity). In these cases, suicide can be allowed in order to preserve morality, which shows that what makes suicide wrong in Kant's view is, rather than only the preservation of life, a particular relation among the maxim, the action, and the purpose of the instinct involved in the maxim, causing a contradiction. Kant is saying that in these cases (the cases mentioned in the casuistic questions) there is no contradiction among the instinct (self-love), the maxim (to commit suicide for the sake of others) and the action (to commit suicide). This is the reason why in such cases suicide could be allowed. If there were such contradictions, suicide would not be allowed even in the above cases. Clearly, the criterion that Kant is using to determine what is compatible or not with freedom is the criterion of contradiction, but the contradiction only appears if the teleological principle that instincts have one purpose or function is assumed. In this case, in

³ See Kant, *The Metaphysics of Morals (The Doctrine of Virtue)* p.89 (TL AA 06, 425)

order for him to say that a maxim of the action is incompatible with freedom, he needs this principle.

It is the same for homosexuality. Because the purpose of the sexual instinct is the preservation of the species, sexual acts that essentially do not promote this purpose subvert it and create the contradiction. The contradiction again is about the purpose of the sexual instinct (the preservation of the species), the maxim (to engage in homosexual sex for the sake of sexual pleasure) and the action (to engage in homosexual acts). People who engage in homosexual acts for the sake of sexual pleasure use the sexual instinct to look for pleasure and in so doing, in Kant's view, subvert the purpose of this instinct, that is, the preservation of the species. When it is universalised, there appears a practical contradiction: if everybody (in Kant's time) had decided to perform only homosexual acts (what corresponds to a grade 6 in the Kinsey scale), humankind would have perished and none of us would be alive to talk about these subjects. Then that would have been a case of a species that was not preserved, despite the fact that their members used their sexual faculties! In Kant's parlance homosexuality as a sexual desire thus is not consistent with freedom, because it can lead to a subversion of the end of the preservation of the species.

In these arguments about suicide and homosexuality, however, Kant is not saying that the preservation of human life, as a natural end, has to be unconditionally respected. What he is saying is that the preservation of human life has always to be respected unless it puts morality at stake. What counts for him as a moral reason to not preserve life is not always clear (as I have already mentioned this ranges from protecting a country to protecting humanity), but certainly self-love and the search for pleasure do not count as justifications to override this duty.

Conclusions. Either Kant is justified in deriving his conclusions about the immorality of homosexuality from his system (the conclusions that he arrives at would be entirely allowed by and compatible with his whole system), or Guyer, Richards and Denis are correct and the conclusions that Kant presents to us are spurious. If I have succeeded in showing that Kant's views on

homosexuality are justified within his system, at least two things of theoretical importance follow, *a* and *b* as a conclusion and *c* as a corollary:

- A. Kant uses teleological principles in order to form his conclusions, and it seems that it is necessary for him to use these principles in order to reach these conclusions. Thus, teleological principles have a normative role in Kant's practical philosophy.
- B. Kant's positive freedom (autonomy) cannot be fully understood without reference to teleological presuppositions, including the teleological principle of living beings.
- C. At least in terms of sexual morality Kant is definitely not a liberal. Here the criteria to determine what is morally allowed and what is not stands beyond what is freely consented to and beyond what causes harm to others. This challenges the beliefs that Kant's view is a prototype of a liberal philosophy.

In relation to a) and b) we can see that what Kant is in fact doing in his analysis of homosexuality and the sexual instinct, is saying that we are not free to use the sexual instinct in a way that conflicts with the ends of nature. If nature did not have purposes, there would not have been conflict, but we have to think of nature as having purposes, and then conflict emerges. This is a very important point in Kant's philosophy, because it shows that there is an idea of compatibility between freedom and nature in Kant which is much stronger than the mere idea that both are compatible in the sense that, as Guyer thinks, freedom has to be possible of being actualised in nature. In fact, in Kant's view, even though nature is not the criterion to determine what is right and what is wrong, nature, and notably the ends of nature, still have to be taken into consideration in this determination. Notice, however, that Kant is not equating unnaturalness with wrongness here. If Kant were equating unnaturalness with wrongness in his theories, he could never assume that sometimes people have to refrain from acting according to nature in order to be moral. Denis is right in saying that "proper regard for ourselves as rational beings may often require our thwarting nature's purposes and frustrating our natural

drives” (Denis, 1999, p. 236). This is obviously at the heart of Kant’s philosophy. This is the reason that, for example, lying is always wrong, even if it is done for the purpose of saving someone’s life. This is the reason why we are not allowed to do whatever we like in order to please sensibility and its laws. Nevertheless Kant’s condemnation of unpurposive and “unnatural” sex is not based on the fact that it is “unnatural”; it is based on the fact that it is unnatural in a way that threatens the purposes of nature, namely, it is unnatural in a way that ends up being irrational, because the universalisation of the maxim produces a contradiction between the act and the ends of nature in relation to the sexual instinct – the preservation of the species under the condition that this preservation is compatible with morality; namely, we are not also allowed to do everything in order to preserve the species or ourselves.

All this seems to corroborate Paton’s view (1947, p. 157) and interpretations of Kant that emphasize the role of teleology in Kant’s moral philosophy. According to Paton (*ibid*, p. 150), the correctness or incorrectness of Kant’s biological presuppositions is not in question, but what is important is that in Kant’s view to conceive human nature as governed by teleological law is to suppose a complete harmony of ends, both within the race and within the individual. He admits that Kant does not deal with different ways in which systematic harmony is to be understood and that it is difficult to produce a full conviction, but in itself it is not unreasonable and it is very far from being the kind of nonsense commonly attributed to Kant

In relation to c) the picture that emerges is of a philosophy that, at least when applied to some sexual matters, presents controversial conclusions that are at odds with a contractual morality. In a sense it would corroborate Sorell’s view (1999, p. 11) that the alignment of liberalism with Kantianism is not perfect, and Kant was certainly not the type of liberal who think that a person’s goals are his business and not to be criticised unless they involve harming others. If Sorell’s claim is true, probably Kantian views on homosexuality and some kinds of consensual sexual relationships are not spurious; they are part of an insufficiently explored non-liberal side of Kant’s philosophy.

To conclude, if all that has been said here is correct then the real practical-applied ethical problem is now revealed: if the Kantian condemnation of homosexuality is entirely justified within his system, should we accept this condemnation (and in this case align Kant with Aquinas in sexual matters and accept his conclusions), or should we move to other ethical theories in order to find moral principles to judge (at least) sexual subjects? There is no doubt that the right option is the latter, but this is a discussion that can be left for another time.

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