

# FRIENDSHIP, LOVE, AND FAMILY: COMMENTS ON SEX, LOVE, AND GENDER BY HELGA VARDEN

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## 1. INTRODUCTION

*Sex, Love, and Gender* is a sweeping and systematic tour de force – an account of our sexual and gendered human nature, grounded in Kantian theory, that is courageously comprehensive in scope, carefully rigorous in its attention to the details of Kantian philosophy, and refreshingly forthright in its author’s unwillingness to be limited by Kant’s own failings. Reading it, I was reminded what historically informed philosophy can be at its very best: a direct and engaging conversation across centuries, which strives to leave the limits of each cultural context not by abandoning them, but by acknowledging and engaging them and, in doing so, inviting us to reflect on the limits of our own. As Varden remarks, “understanding Kant’s mistakes is important not only to understand Kant’s vulnerabilities in these regards, but also our own” (Varden 2020, 116). Reading it, I appreciated Varden’s determination to construct an account that would appeal to those of us outside of the Kantian tradition, and her insistence on doing so without apology – herself acknowledging the “emotionally hard work” involved in reading and “fixing” what Kant has to say about women, or those who are not cisgendered, binary, or straight. I was quite profoundly moved by such an expression of authorial vulnerability, a third of the way through the project. Varden’s sincerity is as refreshing as her consistent nimbleness of argument and seemingly encyclopedic grasp of Kant’s moral-political oeuvre found throughout this book. Attempting to respond to something so systematic is daunting, to say the least – especially as an outsider to the Kantian tradition.

I identify as a “non-Kantian” in at least two senses. First, I am by no means a Kant scholar, and in fact, I definitely fall into that swathe of people Varden describes in an early chapter, who – when teaching or referencing Kant – tend inadvertently to reduce his philosophical contributions to those of the *Groundwork* (despite the best efforts of some grad school professors who taught me better than that). Second, insofar as I claim a normative orientation or ‘bent’, I would not, for the most part, describe myself as Kantian. In my own thinking and writing on moral/political topics in general, and on questions of sex, love, and gender in particular, I tend to draw more on Aristotelian and Sentimentalist approaches, as well as

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contemporary feminist relational ethics. Of course, part of Varden's aim is to demonstrate to people just like me that Kant is situated far closer to us than we might have thought, and that the resources we have found elsewhere were waiting for us all along, right there in Kant's multi-layered account of human nature.

And, in large part, Varden is successful in persuading me that her version of Kant on sex is consistent with some of my deepest convictions, especially when it comes to the major themes covered in the second half of the book: abortion, marriage, and our rights to privacy and bodily integrity. Some of these convergences I expected; others were more surprising. Of course, among philosophers, agreement is almost never total. In my remarks here, I raise three topics about which I would have liked to hear more – namely, the duty of truthfulness in the context of sexual identity, the absence of family from her account (and his), and a quick question about speech that harms.

## 2. TRUTH-TELLING AND DISCLOSURE

Near the end of Part I, Varden takes up Kant's rather infamous responses to Maria von Herbert. Their correspondence, as described by Rae Langton in "Duty and Desolation" (1992) is heartbreaking. Von Herbert writes to Kant asking for personal advice; she is in despair and wonders if it is always a perfect duty not to commit suicide. Kant does not answer her question; he instead addresses her backstory (von Herbert had disclosed an intimate secret about her past to a potential suitor and lost him). He tells her that, if it is a true moral friendship, the man will return and, if it is merely physical, the relationship wouldn't have lasted anyway. Von Herbert writes back, explaining that in fact he did return, but she now no longer wants the relationship (or anything; she is even more suicidal). Kant then writes to someone else to learn von Herbert's secret – she had a past intimate relationship with someone who took advantage of her (we do not know if this is a description of consensual sex, or of coercion). After learning this, Kant doesn't respond further to von Herbert at all. He leaves her please unanswered, and instead he bundles up her letters with a cover note and sends the whole package to the daughter of his close friends, effectively turning von Herbert into a cautionary tale for the benefit of a young protégée. Von Herbert kills herself.

I regularly teach Langton's article in my feminist ethics classes and my students are fascinated by it. Needless to say, Kant rarely fares well in their hands; they are struck by what they take to be the rank hypocrisy of a thinker whose ethics is often summarized as "don't treat others as a means to an end" using one woman's despair as a teachable moment for another woman, whatever Kant's personal relationship to that second woman might be. Von Herbert, they rightly note, did not consent for her letters or her (intimate and private) story to be used in this way. They also note what they take to be callous judgment in his initial response, and what they perceive as his eventual abandonment of von Herbert, leaving her suicidal plea unanswered. We talk a lot by whether to judge a philosophy by its philosophers. Few of them are as generous to Kant as Varden is, who points out that "Kant does share a caring kind of advice" (162) and claims Kant is guilty of immaturity, not callousness, even musing "if it is

inappropriate to share such experiences with people for whom we perform a guiding function, it would be a very human mistake” (163).

Why do I focus on this passage? Well, perhaps it is a little bit to provoke Varden, whom – I would argue – falls down very slightly in her vow not to apologize or make excuses for Kant, here. It is one thing to share one’s own difficult experience with a close friend or to make general remarks based on another’s experience; it is quite another to pass on someone else’s private, despairing, letters as an object lesson, without the letter-writer’s consent or knowledge. While the latter is, sadly, “very human”, I don’t think take this to be as forgivable as Varden paints it out to be – at least not for someone whose sense of the inviolability of human dignity – the need not to violate one person for the sake of others – lies at the heart of his moral philosophy. As a professor, I am sometimes privy to my students’ most private and personal traumas; as a parent and volunteer, I am often in a position to offer guidance to young people whom I love or care about very much. I cannot see how the latter roles give me license to violate the trust bestowed when a student (or anyone!) shares their private pain with me.

But more than this rebuke to Kant, himself, I am interested in von Herbert’s dilemma, as it applies to the “special emotional and moral challenge[s]” facing those who bear “oppressed and violated identities” (160). Those with subjugated gender identities and sexual orientations must struggle to make sense of themselves and the particular “embodied, animalistic, aesthetically responsive forcefulness” (128) they experience. For many at the edges of the LGBTQQ2SIA umbrella, or those who find themselves in especially inhospitable and trans/homophobic contexts, their gender and sexuality may present first as an incoherence – then an impossibility – that must first be translated into even some minimal intelligibility even to the self, before it can be “engaged and developed, transformed, and integrated through our faculty of desire... in such a way that it is also brought into union with our moral vital force” (135). Gender identity, sexuality, orientation... these are as intimate and potentially as dangerous as the secret Maria von Herbert entrusted to her fickle friend. Often individuals are called to account before they are ready to come out, or even capable of assembling a coherent identity to “bring out,” – and, at the same time, avoiding or refusing the question is not a plausible option.

What does Kant’s duty of truthfulness look like, in this context? As Varden sees it, if von Herbert had lied to her friend, she would have committed “a formal, but not a material wrong – but this would have been hard to live with, and it would have held back the friendship.” I wonder what duties of disclosure are required of us, regarding our sexual and gendered selves, on a Kantian account like Varden’s, and what kind of normative pressure does this place on those whose sexualities are less stable or socially intelligible, in particular? Talia Bettcher has written compellingly about the double-bind facing trans people, for example, who risk their narrative being coopted into one of an “evil-deceiver” or a “make-believer”, no matter how they account for themselves. I am unconvinced a pragmatically curtailed, even incomplete, accounting of oneself under such circumstances necessarily entails a “formal, but not a material wrong.” While I appreciate that a reconstructed Kantian theory can do justice to the phenomenology of the awful and oppressive double binds that may face trans, non-binary, and even queer individuals, I am less persuaded it offers them the grace they are due, where it

concerns the choices they are forced to make. I worry that a Kantian duty of disclosure, even as Varden interprets it, asks too much of those with stigmatized and even socially illegible, sexual and gender identities.<sup>1</sup>

### 3. FIRST COMES LOVE, THEN COMES MARRIAGE, THEN...?

My second concern takes the very lowest form of criticism, namely the “yes, yes, this is all very well, but why didn’t you talk about X”, where X is something from the critic’s own wheelhouse. And for that I do apologize. But in reading *Sex, Love, and Gender*, I was struck that among discussions of so many forms of human relationship (friends, sexual partners, spouses, citizens, even exes) there is little discussion of family, and what family configurations and relationships might look like, given this rich account of human nature. And yet, dominant and divergent understandings of family and “kin” are so bound up in the central themes of the book: the supposedly “proper” purposes of sexual love and marriage, the significance of love and loving relationships, rights to bodily integrity and reproductive justice, the limits of markets for bodily intimacy, and various social arrangements around vulnerability and care.

In particular, I would have loved to see how Kant’s remarks on the complementarity of men’s and women’s gender ideals might have been unpacked in Varden’s more inclusive and expansive hands. Until reading Varden, I had not grasped the detail with which Kant went into the ideal domestic division of labour, and how this division can be traced back to the woman’s association with the beautiful and the man’s with the sublime. I found myself wondering, what would an aesthetics of domestic labour look like, unfettered by gender essentialism? What Kantian resources do we have for articulating better, freer, configurations of home and kin? If, for Kant:

the home [is] the personal sphere in which two people of opposite sexes realize together their natural, embodied sociality (through both mechanical and reciprocal self-love) in a way that is consistent with their respect for each other as persons.... [and] from this personal, shared sphere [they], as a team, engage the outside world (91)

What do we, as readers who are not committed to the number or gender or role rigidity Kant uses to define this sphere, take from this about how we divide the personal from the public/impersonal (if not the state, then the outside or not-home)? How do we shape the personal into the domestic, in ways that are not heterosexist and patriarchal, colonial, ableist, ageist, bionormative, amatonormative, etc.? How do we extract the particular, peculiar goods of kin or family from these? And, further, how do we create space for the beautiful and the sublime in domestic configurations that do not reproduce (pun partly intended) the constraints of complementarity seen in Kant’s own work? It seems to me these questions are very much bound up how we understand our gendered, sexual, loving lives. A Kantian-informed exploration of chosen families, poly and non-traditional families, queer kinship configurations and other outlaw expressions of loving sexuality (or asexuality!) and family life might shed light on them.

<sup>1</sup> I discuss this issue in more detail in “Closet Doors and Stage Lights: On the Goods of Out” (2012).

Indeed, Kantian understandings of autonomy might especially useful in arguing for the value of chosen family.

Similarly, in the second half of the book, the absence of family from discussions of marriage and reproductive rights was equally striking – especially given the fascinating discussion of status relations as a kind of legal claim, early in Part II, where it is acknowledged that “the unique danger within status relations is that there is a real possibility for the shared home to become a place where might replaces right, and the weaker becomes enslaved to the stronger” (198). It is hard to grasp the power dynamics of home apart from the legal and social norms of family that shape what a home is (or isn’t). When Varden (re)considers Kant’s account of marriage, she persuasively argues against disaggregating or minimizing marriage along the lines proposed by Martha Nussbaum and Elizabeth Brake, because it would arbitrarily limit personal freedoms – subjecting them to the choices of not only one’s partners, but one’s partners’ partners – or limit the options of the weaker party. As I read this discussion, I wondered: does Varden intend this to be an argument against what is often taken to be a progressive argument in favour of non-romantic legal co-parenting arrangements? Does her Kantian case inadvertently tie reproductive/child-rearing commitments more closely to sexual and romantic love? And what are the implications for other kinds of care relationships, such as the elderly or otherwise vulnerable? It is not a condemnation of Varden to note the absence of kin and care relationships in her discussion; this is all too often the case in philosophical discussions of love. But it is a disciplinary tendency worth correcting, as the plausibility of minimal vs. maximal marriage hinges – in large part – on the implications of each for wider relationships of kin and care.

Finally, Varden explores the relationship between freedom and bodily integrity at length, including a powerful Kantian argument against criminalizing abortion. But abortion, while it is fundamental (and I would argue central) to reproductive justice, is not the only right at stake. Varden explores why the fight for marriage rights has been so crucial for some queer legal activists; the fight for parental rights (whether over adopted children, the children of partners, or donor-conceived children) has been just as significant – arguably more so, since many radical queers opposed to marriage, nevertheless form families with young children whom they wish to protect. Given that Kant himself tied the purpose of sexual love to (ahem, traditional) procreation, I would have been interested to hear how sexual love and parental or caregiving love might still be connected in some kind of open-ended teleology, especially given Varden’s defense of comprehensive marriage. If we take away a narrowly bionormative view of procreation, what kind of teleological relationships – if any – remain?

#### 4. PORNOGRAPHY AND PRONOUNS

My last theme is less a critique than a question. I was struck, in light of the nuanced discussion of the harms of revenge porn, by Kant’s insistence on the right to free speech, and the claim that “we cannot do wrong with words as such” (195). Those with trans- or non-binary gender identities are all too aware that whether or not we can do wrong with words, we

can certainly do real and significant harm with them. In particular, we can do significant harm when we misgender others. And so, I'm curious, what kind of spaces and arguments are created in this account for explaining the particular wrongs of misgendering, and for defending the importance of this gender and social integrity against the (often trolling) insistence that "I'm just exercising my right to free speech". Can Kant offer us new tools in this defense, or does his commitment to the centrality of free speech prevent him from doing so? Are there conceptual resources for legal demands for appropriate recognition of one's gendered self from others? (as opposed to the state, through identification cards, etc.) Can one argue that a distorted, vicious representation of one's gendered embodiment is a social harm along the lines of revenge porn? Given how often gender and sexuality are implicated in slurs and hate speech, I am interested in Varden-Kantian response to these social harms.

## 5. CONCLUSION

As I reread and reflected on *Sex, Love, and Gender*, I found myself asking what the bar for success for the goals of the book is, at least insofar as these goals concern its non-Kantian audience (I know there are a rich array of contributions to the inside-baseball of Kant scholarship here that just go well over my head). Where does this leave those of us who work on sex, love, and gender within feminist, anti-oppressive, and inclusive traditions, in our relationship to Kant? Asking this question highlights the subtlety and significance of what Varden accomplishes. She is not aiming at anything so heavy-handed as conversion, I think (or at least, I hope not), but rather, at opening up new kinds of conversation. I will no longer help myself to straw-Kantians in discussions of the emotional, relational, and physical dimensions of our personhood, and that I must move Kant from target to unlikely ally in some of the topics I take closest to heart. I still think that the strength of Kantian theory (its complex and comprehensive systematicity) is also very much its weakness (it often feels possible and easier just to get from A to B without all this machinery, when discussing – for example, the value of physical love, the importance of respect, or the significance of abortion rights) but I now find myself to be compelled to double check that I am not missing something, when I skip past it.

Thank you to Helga for such a provocative, thoughtful, brilliant and personal book. I am grateful for having had the opportunity to read it, and a bit surprised to realize how much I will bring Kant into future conversations on these topics.

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**ABSTRACT:** Helga Varden's *Sex, Love, and Gender: A Kantian Theory* is a sweeping and systematic tour de force – an account of our sexual and gendered human nature, grounded in Kantian theory, that is courageously comprehensive in scope, carefully rigorous

in its attention to the details of Kantian philosophy, and refreshingly forthright in its author's unwillingness to be limited by Kant's own failings. As a contemporary argument for the value and relevance of Kant on Sex, it is overwhelmingly successful. Nevertheless, in this response, I raise three topics on which I remain unconvinced by Varden's reconstructed Kant: namely, the duty of truthfulness in the context of sexual identity, the absence of family in her account (and his), and the implications of speech that harms.

**KEYWORDS:** Kant, Helga Varden, Sexuality, Family, Love

## REFERENCES

- Bettcher, Talia (2007) "Evil Deceivers and Make-Believers: on Transphobic Violence and the Politics of Illusion." *Hypatia* 22:3, pp. 43-65.
- Langton, Rae (1992) "Duty and Desolation." *Philosophy* 67:262, pp. 481-505.
- MacLachlan, Alice (2012) "Closet Doors and Stage Lights: on the Goods of Out." *Social Theory and Practice* 38:2 pp. 302-32.
- Varden, Helga (2020) *Sex, Love, and Gender: A Kantian Theory*. Oxford University Press.

## NOTES

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