

# RESPONDING TO ANN CAHILL, ALICE MACLACHLAN, AND JORDAN PASCOE

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In her closing remarks on *Sex, Love, and Gender*, Cahill wonders if I believe there is “any kind of analogy ... to be made between philosophical orientation and sexual orientation”? At the moment, at least, I think my answer is yes (on the assumption that Cahill is asking whether there may be something given about both). I believe, in other words, that our deepest philosophical orientations, like our sexual orientations, are also deeply personal and contingent—and contrary to what we might easily think, they do not express the “best” choice or an objective fact that everyone ought to recognize. To explain, doing philosophy is only possible when we have developed certain abstract conceptual reasoning powers.<sup>2</sup> Hence, by the time we start doing philosophy, not only have we had many formative experiences, but we have a way of going about life and a growing awareness of many of the questions and challenges that we will continue to think about or face just by virtue of, exactly, who we are.

To illustrate, MacLachlan points out in her comments that family is very important to her, and figuring out the complexities of families is at the heart of her philosophical concerns; Cahill explains that she is deeply puzzled by unjust sex with an emphasis on how hegemonic heterosexuality harms women; and Pascoe tells us that she thinks a lot about sexuality’s multifaceted nature—good and bad—as well as considerations of embodiment and authorizing consent.<sup>3</sup> In light of these disclosures, their “choices” of philosophical traditions are not very surprising: MacLachlan early on found herself drawn to Aristotelian/sentimentalist/feminist relational approaches, Cahill to postmodern theories, and Pascoe, like me, found Kant’s philosophy of freedom both deeply appealing and in need of profound transformation. I currently believe that each of us found approaches that suit us, given what we want and need to think about, who we are (becoming), and I don’t think that any one of us found the “correct” way. There are many good ways and yet some of them fit us better, more deeply, than others because of who we are. We are drawn to philosophical orientations that we experience as offering us the most useful tools given the deep personal and philosophical puzzles that drive

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us. Indeed, I suspect it is because we experience these philosophical puzzles as deeply personally important that we easily make the mistake of universalizing our contingent, favored ways in this regard—whether our choice is Aristotelianism, Kantianism, sentimentalism, feminist relational approaches, or postmodernism—just like religious persons who feel deeply at home in the religious frameworks they inherited or chose—whether, say, Buddhism, Judaism, Islam, Hinduism, Christianity, or atheism—have a tendency to universalize this contingent feature of themselves too. It easily feels like one’s own religious or spiritual way surely must be the right choice for everyone?! Hence, reading this book for Cahill and MacLachlan is analogous to, I think, me visiting some of my religious friends’ religious houses: I feel welcome and I absolutely recognize these religious institutions’ value in general and for my friends, which is consistent with how my religious, heathen soul needs nature—especially mountains and water—to fill the same existential needs.

Returning to our deep philosophical leanings, I find myself wondering if perhaps it is also the case that the four of us in conversation here—Cahill, MacLachlan, Pascoe, and I—also trust ourselves the most with our favorite philosophical traditions with regard to these specific philosophical questions exactly because we experience these questions as existentially important first-personally. And because these questions relate to issues that are central to our lives as both thinkers and persons, we do not approach our thinking about them lightly. If there is something to this way of thinking about philosophical orientations, this could be part of the reason why the four of us have been willing to think along with one another again and again over the years. After all, although both Pascoe and I are Kantians, we often start from very different places, and all four of us value the philosophical importance of disagreement and allowing ourselves not to know, at least not yet. It is my judgment that we also believe our very different ways of doing philosophy are interesting and valuable, and that we are wiser together than we are on our own. Speaking for myself, I have always found that thinking in their company is to be held with hands that can be trusted as I try to become more, to go beyond where I currently am in my thinking. And this is also how I experience these three engagements of theirs with *Sex, Love, and Gender*: generous, loving, challenging, and wise. My absolute favorite way of doing philosophy. I am very lucky, and I am very grateful.

Cahill’s other quick question at the end of her reflections takes us in a different direction regarding diversity. She asks whether my type of approach has space for a “robust alterity—something that moves beyond the kind of dependency upon care that [my] notion of human embodiment requires, and that understands the self as always and already in relation to the other, and as irreducible beyond relations.” I do hope my theory has room for alterity, though I leave the judgment of how robust it is to the readers. To explain how I see alterity as explorable by my theory, a quick reminder of some of its elements is necessary. The way I am currently thinking of Kant’s theory of the “predisposition to humanity” is that it comprises both our capacity for setting ends of our own and our social sense of self. Together these two elements give our humanity an ineliminable “unsociable sociality,” understood as two deep longings of

ours: to be on our own and to be seen by others. In addition, our “predisposition to animality” is constituted by three reflexively conscious drives, namely to self-preservation, to sex, and to affectionate community. Finally, our “predisposition to personality” enables us to ensure that the ends we set are respectful and supportive of our own and others’ pursuit of rich, good lives.<sup>4</sup>

Now, developing these predispositions well involves transforming and integrating them into a coherent whole, which includes developing them by means of associative, teleological, aesthetic, and abstract conceptual thought and in ways attentive to our “natural” and “moral” vital forces (so that we are subjectively harmonious wholes). Hence, some of these elements, such as the social side of our humanity and the animalistic drives for sex and affectionate community, pull us toward others—wanting to be seen and to be in unions with them—while our need to set ends of our own pushes us away from others. Moreover, we try to do things we have not done before—and that maybe no one has ever done before—and we engage in creative, playful, and aesthetic activities, including art, clothing, home creation, gardening, music, and sports, and as we do this, we can use any one and all these kinds of thought. On this approach, there is, therefore, at the heart of us, an element that is deeply creative. Hence, although developing the social abilities to hold each other in various ways are crucial—as explained by the accounts which appeal to the supportive, social elements of our predispositions to animality and humanity—so too is the constant appreciation of the importance of letting others (including our loved ones) keep becoming independently of us, and their sharing of their creative alterity with us is always a gift.<sup>5</sup>

Finally, although we need others in many ways, the predisposition to good as a whole—constituted by the predispositions to animality, humanity, and personality—and the vital forces are subjective elements in us; they are constitutive of our phenomenology. They enable us, for example, to distinguish pleasure and pain in ways that enable our survival from at least the moment we are born, and they are also what we need to learn to heed whether we are exploring our own alterity or healing from others having attacked or violated us in numbing or frightening ways. Learning to heed the predisposition to good in ways attentive to our natural and moral vital forces is, on this approach, constitutive of a good and flourishing life we can morally own as our own. I believe it is consistent with this to argue that there may be limits with regard to how different someone can be from ourselves and yet we can still share homes with them—a possibility that depends too on how complementary the alterity is—but most of the people we love and live with are not ones we share homes with.

These questions regarding alterity bring me both to Cahill’s concerns about identities being real on constructivist accounts and MacLachlan’s questions about families. First of all, I must have written in a way that miscommunicated my view on (postmodern) constructivist accounts since I absolutely do believe that these accounts can capture how our various identities are real and exist. I did not intend to say that these approaches cannot do this;

they can and have thus enabled the philosophical tradition to do better in these regards. My worry about these constructivist accounts is rather, as Cahill points out later, that they cannot philosophically capture how people can get their own sexual orientations or sexual/gender identities right. That is to say, that (postmodern) constructivist theories cannot philosophically capture sexual orientations or sexual/gender identities in ways that are consistent with deep pre-social and pre-political longings that people have always experienced themselves as having and that are existentially important to them. Although I maintain that sexual orientations cannot be understood in essentialist ways, they can also not be understood as mere choices or simply as externally or socially produced. We can get these aspects of our being right and our philosophical theories must have resources with which to explain this. My account offers such resources—as Cahill notes—without reducing sexual/gender identities or sexual orientations to essences, choices, or mere external or constructions. The claim is not that the Kantian way of doing this is the only way; it is one way, and, I argue, other traditions need to find ways to do this too.<sup>6</sup>

Another advantage of my approach is, in my view, that it is sensitive to the good reasons we have to think that the metaphysics of race is not identical to the metaphysics of sexual orientation or sexual/gender identities. We have good reasons to believe, in fact, that race is socially constructed all the way down, while sexual orientation and sexual/gender identity are not. (To illustrate this, one can try to replace the racialized identities mentioned in this part of Cahill's commentary with a sexual orientation or a gender identity. If we do, the argument no longer proceeds as smoothly and convincingly, and my theory attempts to explain why.) Hence, although all identities track histories of injustice, their differences require different philosophical accounts to be critiqued—and so, we cannot simply list the identities as several examples of the same phenomena or assume that one analysis will capture all of them.<sup>7</sup>

My theory can also speak both to how sexual orientations and sexual/gender identities are distinct in part because of how they are not inherited in an irreducible way and to how LGBTQIA+ types of identities occur in all kinds of families and societies across the globe. They are a type of identity that tracks individuals—individuals who can find themselves all alone in a family or society where no one they know is like them and all those they know (family, friends, and society) might kill or damage them if they show them who they are. To relate this back to the first point above—about philosophical orientations—I believe this is one reason why I experienced Kant's practical philosophy as reliable: it has philosophical resources that can empower individuals who non-accidentally—given the fact that the LGBTQIA+ identities are not inherited (from families or cultures)—can experience themselves as absolutely alone in the world.<sup>8</sup> It is also why I wrote the book to these individuals, as a book I hope is experienced as a philosophical friend by those who do not (yet or anymore) have any.<sup>9</sup> I suspect this might be one reason why I did not, I hear Cahill as saying, pay sufficient attention to problems related to how the hegemony of heterosexuality harms (straight) women,<sup>10</sup> or to the ways in which my theory implies that if things go well—personally and culturally—we all will explore

our sexuality in curious, emotionally rich, cautious, and experiential ways. Fortunately, Pascoe generously does a good bit of such exploration on my behalf in her comments on *Sex, Love, and Gender*—a fact that I suspect is non-accidentally related to another fact, namely that Pascoe is one of the Kant scholars walking the planet who best knows not only my theory, but feminist philosophy and the philosophy of sex and love. Moreover, although much of what Pascoe and I say about this is said with regard to LGBTQIA+ explorations, I believe that it should be useful not only to straight women but also to straight men who sexually love women and who want to sexually love them well, including by taking on the challenges stemming from the debilitating associations and behaviors they have inherited from our oppressive cultures in these regards.

This brings me to MacLachlan's call for more theorizing about the family, including queer families. I totally agree with this call. I am not entirely sure why I did not do more of this theorizing.<sup>11</sup> One reason might simply be that a fuller critique of the family may deserve a book of its own. Another reason, perhaps, is that all the philosophical tools I would use to theorize the family in more detail are already in the book; writing up something more significant about the family can be done by means of the tools made available there. Importantly too, given MacLachlan's question regarding co-parenting arrangements, if this were to be done, then it's important that my theory requires us to distinguish carefully between issues concerning marriage and concerns regarding children's and parents' rights. These are distinct concerns on my approach, and they are therefore compatible with much reimagining about how to create good, non-conventional ways of co-parenting. This is not to justify that I did not do more, but I also believe it is important to note that on my general systematic, yet also bottom-up approach, the most interesting writings on the various kinds of family and familial topics with the philosophical tools provided in my book would probably come from authors who are living and experimenting with different kinds of family life in thoughtful ways. To put this point from a different direction, an advantage of systematic philosophy is that you strive to give your readers the tools you have in your possession so that they can use them to theorize their own lives and, of course, to improve on and, when needed, to criticize what you have done with them.

Related to this last point, one of my biggest worries concerning non-systematic approaches or approaches that stay very focused on specific phenomena in their explorations is that they become too dependent on the authors' own wisdom about a topic and that they do not explicitly strive to empower their readers with philosophical tools they can use on their own and in other ways than the authors themselves do. This is probably also related to Cahill's question regarding what explains why and how we do what we do philosophically. I would consider it a problem with my texts if people ended up believing something just because I believe it. I want my texts to provide spaces in which people feel empowered to figure out what they feel and think about something that matters to them on their own. Kant's "Sapere Aude!" is, in other words, an orienting principle for me and probably one more reason why I feel comfortable working within the Kantian philosophical framework, despite Kant's

many serious missteps on issues that matter the world to me. I can even often use Kant's own philosophical tools to engage the question of why, how, and where he went wrong. Indeed, my worry about the bad temptation we, as philosophers, have to want to be adored (famous) may very well be one reason why I deeply prefer to talk and think not only with Kantians; I know I need many kinds of philosophers around me to help keep me honest.

This brings me to MacLachlan's questions regarding our duty to be truthful about our own sexual orientations or sexual/gender identities when others ask us about this. I suspect MacLachlan already knows what I am about to say, but it is important to say it explicitly nonetheless: although we have a perfect duty to be truthful about our own orientations and identities, this does not mean that we have a duty to be truthful regardless of when people ask or who is asking. Oftentimes, the correct response is simply "that is none of your business!" or "I simply do not want to talk about this with you." I suspect MacLachlan will grant me this; one worry of hers concerns the ways in which members of the LGBTQIA+ community can feel pressured to out themselves in situations that are not good for them. I agree, so let me approach this one in a more roundabout way. In short, I believe an important life skill for a member of the LGBTQIA+ community is to find people who can be around us in stable and loving ways that allow us to grow—and to hold only these people close. Paradoxically, developing a strong sense of identity requires us to learn to be vulnerable and open in deeply loving and good ways—and insofar as this involves being intimate with others, we need good people around us who can hold us as we try and sometimes fall (so that we fall softly and without damage). Moreover, I believe that some of this work does not involve others but rather, to say this with Kant, tending to the goodness of our predisposition to good. That is to say, having an oppressed identity, in my view, involves having had many people—including people entrusted with positions of authority—wrongly attack you in direct and indirect ways, including by giving you a sense of being not good but bad or perverted. Loving, good, close friends can help heal some of the damage that results from those attacks, but some of the healing is also about (re)learning to feel yourself as good. I believe this kind of (re)learning often includes activities in nature—swimming, walking, hiking, sailing, etc.—or art (doing or enjoying art), or spiritual/religious activities. (Which activity a person prefers is, in my view, again a deeply personal, contingent matter.) Crucially, in response to MacLachlan's worry that my account is too burdensome on LGBTQIA+ people, my approach emphasizes the importance of setting boundaries and constructing one's life in loving, good, and wise ways. And nobody has a right to intrude into our personal or intimate spheres; being invited in is an honor and a privilege. In my view, learning how much one needs, wants, or can share in the more personal or intimate settings is prior to the process involved in being able to share, if at all, in broader, social, and even public settings. Hence, this is how I would start an analysis of the problems of premature outing of people and why, on my approach, one would have both perfect and imperfect duties not to do this to anyone.

These last points also relate to how I would respond, at least as a start of this important conversation, to the point about how words can harm, such as they do in misnaming. I absolutely agree. A related, main focus in the book was to explain why public authorities—all those who are vested with public authority, from public officials to anyone professionally licensed—are required to develop ways of communicating that do not oppress and to acknowledge people as who they are. As we transform inherited oppressive practices and institutions, one important task is to rewrite public documents and forms—from passports and driver's licenses to property deeds and contracts—so that they do not require people to misidentify themselves in order to fill them out. Moreover, I focused on phenomena such as stalking to show how within public spaces no one is legally permitted to privatize them by making it impossible for somebody else to move freely about in them without someone following and tracking their movements. This complements the idea that emotionally healthy and virtuous action requires us to be invited in if we are to share private, let alone intimate, spaces and how, within these spaces, continuous authorizing consent—in a thick sense—is constitutive of how we live well together. (More on authorizing consent toward the end of this text.)

Now, even if MacLachlan were to agree with or at least accept all of this, she might still say, OK, but what about situations where saying “sorry, I do not want to speak about this with you” is not a real option. In my view, and I know she agrees, the details start to matter here. Sometimes, the question asked is too intimate or asked too early in a relationship, which might be a reason for us to slow down; other times, if some conversations never happen, then we may ask why they don't or their absence might be a reason to re-evaluate the nature of the relationship. Now, importantly, my approach rules out lying as a morally good way out of these problems.<sup>12</sup> MacLachlan correspondingly worries that my account is too demanding of those who live subjected to much oppression, including sexual or gender oppression, since they often find themselves in situations where others push exactly on very intimate, personal questions without the appropriate carefulness. In my view, if my account is on the right track, it does not subject oppressed people to any new obligations; rather, it provides resources to philosophically theorize the lives they live already. In these situations, if the theory is good, then it is the case that people who handle their oppressed identities well—wise people—agree that lying in an effort to protect oneself is morally exhausting and typically not required (proper boundary setting is the way to go). Only when pressured in ways that are unavoidable will lying present itself as a way out, but it is a bad way—it involves formal, though not material, wrongdoing, and thus exacts a moral cost—and is precisely one of the difficulties involved in living with an oppressed identity.

Hence, one of the challenges of living as LGBTQIA+ involves owning whether one needs to lie or deceive to keep people one does not and cannot trust at sufficient distance. In these situations, there are no morally good ways out since the option is either to let others formally and materially wrong oneself or to commit formal wrongdoing. Correspondingly, if Maria von Herbert lies to her friend, then she does commit a formal wrong, but if her judgment is correct,

then this is the only way to avoid that her friend both formally and materially wrongs her (by wrongly asking to be trusted to be held closer).<sup>13</sup> Moreover, if Herbert is correct in holding her friend at a distance in this way, then it is important that she owns that this is exactly what she is doing. She simply cannot have a closer friendship with this friend, at least not yet; it is too dangerous. To put the point differently, if MacLachlan is right and I am wrong, then wise people do not experience a moral cost when they lie in these complex situations, and those who choose this strategy do not find that in so doing they are, say, numbing themselves or doing something that morally bothers them. In other words, I do not think solving this problem is something a philosophical theory can or should try to do; I think the best theory is the one wise people who live with oppressed identities would agree with, the one that fits with or philosophically captures how they experience this type of complexity already. If they report that lying is a morally uncomplicated choice that feels good, MacLachlan is right and I am wrong.

At this point, MacLachlan might ask another question about Kant's handling of the Von Herbert situation, namely by challenging my claim that Kant was "kind of caring" in his advice in response to her first letter. To clarify a possible miscommunication, the reason why I stated that his first response to Von Herbert was caring was that he pointed out to her that if the friend who walked away is a true friend, then they will return even if they were at first upset. And he was right about this. Things get more complicated from there, however. As MacLachlan explains, once Kant learns of the more complex backstory, he is unable to handle Herbert's next suicidal letter, and he gives both letters to the daughter of two of his best friends, a young woman for whom he probably was some sort of guiding adult. MacLachlan argues that he should not have shared these letters with this young woman; to do so is to use another person as a mere means and not as an end in itself. End of story. There is no doubt that I find this example more complicated than MacLachlan does. More information is needed before I would be confident in my judgment and I am generally more uncertain than MacLachlan about the question of exactly how much we can share of real-life examples—especially when suitably abstracted, which Kant didn't do—with persons for whom we have a personal, guiding function, like our children, close friends' children, or our nieces and nephews. I consider this a difficult question and my intuitions here don't quickly and easily line up with those of MacLachlan.

Still, my main hesitation with regard to common assessments of Kant's conduct vis-à-vis Von Herbert, including that of Rae Langton (1992), is not about this, but about the view that this example illustrates that Kant, or his philosophy, is inhuman, cold, callous, or bad. Rather, in my view, if Kant was wrong, then I regard this as a distinctly human mistake that demonstrates Kant's immaturity around some aspects of human life. There are many things Kant should not have done—and this is probably one of them—but I do not think it makes him inhuman, callous, or cold, nor does it reveal his philosophy to be bad. His own theory of wisdom can be used to explain his likely failures here. Now, even if MacLachlan grants me



this, she can still insist that, in my heart, I was being too gentle with Kant here, not holding him properly to account. Quite possibly. After all, I certainly do consider Kant's inability to be around Von Herbert's vulnerabilities (especially her second letter) as intimately related to his seeming troubles of handling intimate aspects of his own life. I believe that there is usually a complex story behind such failures and limitations, and this certainly seems to be the case with Kant, who was not known to be a bad friend or an especially selfish or coldhearted person. He was loved and cherished by his friends—and he loved them. Hence, I do not ultimately know the answer here; I might very well have been too careful and not tough enough. I disagree, however, with MacLachlan's claim that I was forgiving of Kant (as this would not be my thing to forgive).

One of Pascoe's worries is also that I am not tough enough; for her, the problem is my analysis of abortion. Now, Pascoe and I agree on very many things regarding abortion, but we do not currently agree on what restrictions are justifiable in a just state. *Sex, Love, and Gender* defends the claim that if access to reliable and good health care is available—something that is not the case in most states in the world—the state can and should require pregnant persons to make their choice to terminate their pregnancy by a certain time, which is to be determined by the legislature. There is no objectively correct deadline by which to make this choice, but the more defensible answers seem to lie somewhere in the 12-15 weeks range. There are many exceptions to this rule, including those grounded in physical or mental health concerns, but I do argue that this is the general, ideal principle. Pascoe's worries here are several. To start, she worries that the account I provide misdescribes the relation between the fetus and the pregnant person as an "interaction" within the pregnant person's body. In addition, she continues, even if we grant this is a type of interaction, she does not understand how the law can hinder these interactions in space-time (since the fetus is inside the pregnant person's body). Pascoe furthermore proposes that a direct appeal to innate right—"I want my body back"—should be permissible throughout the pregnancy and one does not need to appeal to mental health concerns to do so. And she thinks that regardless of how good our lawgiving is (as judged by the standards I propose), there will be cases that do not fit. Last, but not least, Pascoe maintains that because actual states are almost without exception very far away from the ideal I sketch, it is troublesome to address this question at all in ideal theory because these badly functioning states will easily use this ideal standard re: a time limit to justify their focus on this one legislative issue rather than address all my other proposals regarding how to secure proper reproductive health for all citizens and residents.

To start, I agree that bad states will use any excuse to continue to oppress, and thus they may misuse my theory too. My first commitment, however, is to pursue truth and to pursue it the best I can when theorizing. I cannot expect everyone to be as careful as Pascoe is in her reading of my theory, even if it is also the case that I cannot not provide this theory because many readers are unlikely to be careful and conscientious. It is also the case that I wrote this text prior to the recent political storm following SCOTUS's *Roe. v. Wade* decision and in a context

where it still seemed most important to respond to some classical philosophical discussions of it. Still, having read Pascoe's comments, a better presentation of this part of the theory could foreground the complexity of reproductive health care rather than the issue of abortion. This would have made possible misappropriation even more difficult textually and it would also help to push the priorities in better directions regarding this complex issue. Moreover, I completely agree that given the *Roe v. Wade* decision and discussion, at least in the US context, rethinking how to present this theory is necessary and I am grateful for her helping me see not only the need for this but also kickstart the related process of reimagination.

Two other quicker notes in response to this discussion of Pascoe's. On the issues of interaction between pregnant persons and fetuses, I believe that my descriptions fit best with what I hear pregnant persons saying: once they can feel the fetus's presence, they talk, feel, and act in ways that to me sound like they are interacting with the fetus growing inside themselves. In fact, I hear those who find the experience anything but comfortable as talking similarly; I hear them as often feeling invaded by the fetus—a description that also presupposes interacting. Although I might be missing something here, I do not hear any of them describing their experiences as if the fetus is merely an extension of themselves; rather, affectionately loving moments tend to be described as feeling at one with the fetus, similar to how we also describe such moments with persons external to us.

Regarding the permissibility of direct appeals to innate right—"I want my body back"—my first response is, as Pascoe anticipates, that this is a mental health claim. It is expressing deep existential frustration that a legal-political system—through legislation and policies—must take seriously and accommodate well. Now, these cases—like all later stage abortions—are necessarily emotionally and physically complex, in my view, for the reasons engaged in the book. After all, the later in the pregnancy the abortion procedure takes place, the more complex are both the needed medical assistance and the issues concerning how it should be performed. If my argument in the book is on the right track, once the fetus is viable, then health care professionals should strive to save both the pregnant person and the fetus, with preference given to the pregnant person. More generally, it matters here to find solutions that everyone involved can live with well, including the medical health care professionals. After all, cases in which abortions are needed at a late stage are typically emotionally complicated for all the involved parties—and if they are not, this is not obviously a comforting sign that things are going particularly well. And, for the sake of completeness of argument, in particularly horrifically oppressive (barbaric) states (in general or regarding abortion specifically), my analysis of Kant on infanticide in the book becomes relevant also here.

Before ending, let me return to authorizing consent one more time, since both Cahill and Pascoe raise some important questions about this. Pascoe suggests that with regard to sexual uses of our bodies and complexities regarding organ donation, it might be better to use

Kant's idea about sharing ends as our starting point for revising his account, while Cahill is worried by how I let authorizing consent do much legal work. Starting with Cahill's concern, one reason I am using authorizing consent actively is that within the context of LGBTQIA+ lives, their continuous authorizing consent has often not or is still not (in many countries) given legal recognition. In addition, I believe that continuous authorizing consent is the better legal alternative and that, for reasons similar to those Pascoe uses with regard to reproductive health, the many concerns we have with regard to our immature and debilitating sexual cultures are better handled through public policy aimed at education and, in the case of sex work, workplace safety than through criminal law.

This latter point also relates to Pascoe's questions about whether it would be better to use shared ends as our starting point when discussing things like sexual use of our bodies or organ donation. I need to think more about this suggestion, though here are some reasons why I would not want shared ends to do too much work. To start, on the theory I currently defend, there is nothing wrong with sex work as such, even though much of this work does not involve shared end-setting among the parties. I suspect that the closer we get to sex therapy, the more we need to carefully negotiate ends, but also here, like with all therapy, I don't think that it is a problem as such that patients pay their therapists for their assistance. Finally, with regard to organ donation, there are many reasons why people donate their organs, and ideally, my account can speak to complexities involving donation not only after one is dead, but while still alive. My general thinking on legal permissibility here—authorizing consent in this regard—tracks shared lives (rather than necessarily shared ends) or existentially important (typically religious) features of a person (their identity or who they are). However, it is quite possible that I could keep all of this and develop the account in various ways—to capture other phenomena—by focusing less on shared lives and instead on shared ends. I need to keep this suggestion with me as I go on.

I hope my responses above communicate not only how I currently think about the rich and thoughtful critiques provided by Cahill, MacLachlan, and Pascoe, but also how much I have enjoyed thinking through their many reflections. Obviously, although the above are my first responses; I will reread their critiques many more times, which, in all likelihood, will involve realizing that I did not yet quite understand aspects of their comments. In addition, of course, their thoughts will work themselves into my future texts in ways that I do not yet know and cannot even anticipate. What I do know is that whatever those ways are, they will be the good ways. Thank you!

**ABSTRACT:** This paper reflects on and thinks along with Ann Cahill's, Alice MacLachlan's, and Jordan Pascoe's engagements with my *Sex, Love, and Gender: A Kantian Theory* (OUP, 2020). The topics engaged range from abortion, authorizing consent, family, human nature, sexual, gender and philosophical identities to the infamous letter exchange between Kant and Maria von Herbert and complexities regarding various kinds of oppression.

**KEYWORDS:** abortion, authorizing consent, family, gender identity, human nature, Kant, Maria von Herbert, LGBTQIA+, oppression, philosophical orientations, sexual identity.

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## NOTES

<sup>1</sup> Helga Varden is Professor of Philosophy (home), of Gender and Women Studies, and of Political Science at the University of Illinois at Urbana-Champaign. Her main research interests are Kant’s practical philosophy, (the history of) legal-political philosophy, feminist philosophy, and the philosophy of sex and love. In addition to *Sex, Love, and Gender: A Kantian Theory*, she has published on a range of classical philosophical issues including Kant’s answer to the murderer at the door, private property, care relations, political obligations, and political legitimacy, as well as on applied issues such as care relations, non-human animals, education, the environment, privacy, poverty, and terrorism.

<sup>2</sup> For a recent collection of articles on Kant and education, see Bakhurst and Sticker (2021).

<sup>3</sup> For illustrations of related work of each thinker, see Cahill (2001, 2010, 2016), MacLachlan (2017, 2018), Pascoe (2012, 2022).

<sup>4</sup> Kant’s account of the “original predisposition to good in human nature” is found in the *Religion within the Boundaries of Mere Reason*, pp. 74-76/AK 6: 26-28.

<sup>5</sup> For more on all of this, see Part I of *Sex, Love, and Gender*.

<sup>6</sup> As Cahill, MacLachlan, and Pascoe explain in their comments, *Sex, Love, and Gender* does not let Kant off the hook here. Rather, I use Kant’s theories of the predisposition to good to re-envision how we can think sexuality and gender within a Kantian framework, arguing that if we do, we obtain some extremely useful resources for analyzing core issues in feminist philosophy as well as the philosophy of sex and love. For readers new to (Kantian) feminist theory and the philosophy of sex and love, for outstanding introductions to these topics, see Hay (2020) and Marino (2019).

<sup>7</sup> *Sex, Love, and Gender* does not engage the complicated topic of Kant’s racism. There were three main reasons for this. First, women and members of the LGBTQIA+ community across the globe share many experiences—good and bad—merely in light of sharing these identities. Second, I did not yet know how to capture differences regarding the metaphysics of sexual/gender identities and racial identities. Third, although I didn’t grow up in the US (but on an island, Osterøy, in Norway), I live and have lived here for almost two decades at this point. Hence, I needed some more time to find a good way to write about the topics of racism—in general and in the US context. For my two first attempts at doing this, see Varden (2022, forthcoming).

<sup>8</sup> I write more on this complexity here: <https://blikk.no/esben-esther-pirelli-benestad-helga-varden-meninger/a-love-letter-across-the-ocean-to-esben-esther-pirelli-benestad/231603>

<sup>9</sup> In fact, it is possible that Kant studies early on attracted women for the same kind of reason. (I provide an overview over the entrance of women into Kant studies in *Sex, Love, and Gender*.) That is to say, what I hear Pascoe saying in her reflections is something I’ve also heard from other women who found themselves quite alone in the academic world of philosophy: Kant’s philosophy places dignity with each individual and it maintains that each individual need to learn themselves and strive to live their own lives to the fullest. Hence, this type of philosophy non-accidentally felt empowering to many groundbreaking women philosophers.

<sup>10</sup> There is a chapter—Ch. 4 “Kant on Sexual Violence and Oppression”—in *Sex, Love, and Gender*. This chapter speaks to how LGBTQIA+ people and women share this challenge, and it uses Kant’s accounts of the predisposition to good and the propensity to evil from the *Religion*, his accounts of affects and passions from the *Anthropology*, of perfect and imperfect from his (meta-)ethical writings, and of rightful relations from his Doctrine of Right in *The Metaphysics of Morals* as well as his distinctions between anarchy, despotism, republic, and barbarism from the *Anthropology*. Cahill is correct, though, that the main focus in this chapter is not how the hegemony of heterosexuality harms women and there is no separate chapter on this topic either. (Both *The Metaphysics of Morals* and Kant’s (meta-)ethical writings are found in Kant [1996b]).

<sup>11</sup> I have written a few articles on care relations—see for example, Varden (2012, 2020b)—but they do not offer the kind of exploring that MacLachlan is calling for here.

<sup>12</sup> The topics of Kant on morally impossible situations, on lying, and on formal and material wrongdoing have been with me for a long time. It is, as MacLachlan points out, a topic I return to throughout *Sex, Love, and Gender*, but they are also central in other writings, such as Varden (2010, 2021a, 2021b, 2022, forthcoming).

<sup>13</sup> For the letters between Kant and Maria von Herbert, see Kant (1999).

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