

OBJECTIFIED IN THE BEST POSSIBLE WAY:
A RADICAL FEMINIST SOLUTION TO THE KANTIAN SEX PROBLEM

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by

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Objectified in the Best Possible Way:
A Radical Feminist Solution to the Kantian Sex Problem

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| One of the problems left in Kantian moral theory is the Kantian sex problem; how can one justify any act of sex, when sex requires the treatment of another person as merely a means to an end? The treatment that Kant's problem describes is now known as sexual objectification, and it has become a major concern for feminist theory. My thesis begins by examining the Kantian sex problem and its context within Kant's moral theory. I then employ a typology from the work of Alan Soble in order to typify and better explore Kant's own response and the responses of four feminist theorists. I then examine the theories of sexual objectification offered by Andrea Dworkin, Catharine MacKinnon, Martha Nussbaum, and Rae Langton. After explaining and critiquing each of these theories, I offer my own theory of how to solve the Kantian sex problem by synthesizing the major advancements of each of the radical feminist approaches to sexual objectification. My thesis concludes with a novel theory that responds to the Kantian sex problem by judging the context of the treatment and the attitudes held by those treating another person as a sexual object. The three criteria for this judgment of the morality of any act of sexual objectification are respect, recognition, and reciprocation.

Introduction

One of the many issues in feminist moral thought is sexual objectification. This term has roots located in Aristotle's conception of the natural slave in *The Politics*, but is most known for its presence in Immanuel Kant's moral theories. The primary issue in sexual objectification, as it develops in feminist writing, comes from Kant's belief that people should not be treated merely as objects, but as subjects. The central concern of his theory is how people can be treated so as to recognize their humanity fully in every action. Kant distinguishes sexual objectification from the general immoral act of objectifying by claiming that sexual pleasure robs people of the ability to treat one another as fully human and not merely as an object of pleasure. This claim started what would essentially become a line of thought that could be called Kantian feminism which focuses on the matter of sexual objectification as central to issues of morality.

Each proposed answer to the Kantian problem of sexual objectification has lacked completeness in its address to the problem. This difficulty occurs as a matter of consistently narrow interpretations of the causes and solutions to Kant's interpretation of sexuality or objectification, which are themselves applied confusedly from his moral law¹. This thesis concerns itself with the creation of a more complete theory which will not suffer from the narrowness found in previous applications of Kant's moral law. This requires a review of the most compelling arguments assembled by the Kantian feminists, a compilation of the most valuable pieces of these arguments, and a synthesis of these ideas with a new theory that will more fully answer the Kantian problem.

1 The problem is that Kant's practical philosophy seems to be counter-intuitive or contradictory to his metaphysics of morals. This will be discussed in further detail in Chapter 1 of this thesis.

The primary argument this thesis makes is that sexual objectification is not always morally wrong. It must instead be seen as a complex situation in which the attitudinal and psychological features of the sexual actors are considered within the context of the relationship, personal histories, and culture in which the act is occurring so that a subtle case by case analysis would be needed to provide a nuanced evaluation of each particular case of sexual objectification. The consequence of a such a theory is that it would consider both external and internal factors to moral actions within a Kantian moral framework and give a level of adaptability to sexual objectification that would allow it to be wrong in cases like rape, molestation, and malevolent relationships- i.e. those relationships where the man dominates the woman by using her merely as his own object- while still being morally acceptable as part of healthy romantic relationships or in cases of mutually respectful casual sex. This new theory will maintain the universality of Kant's categorical imperative, but be sensitive and adaptive to individual cases and their various morally relevant influences.

The first chapter of this thesis will concern itself primarily with Kant's argument as it is conceived in his various writings on ethics and submit a typology by which to organize responses to his theory of sexual objectification. It will provide a thorough analysis of Kant's moral theory and provide a basis by which to understand each feminist theory in terms of the Kantian ethical framework. It will then examine Kant's own proposed solution to the sex problem and respond with a meaningful criticism of his response. The chapter will then end with a typology that will primarily make use of Alan Soble's understanding of responses to Kant's theory of sexual objectification. Soble's division between internal and external responses is particularly useful for identifying the problem of narrowness within the feminist scholarship. It allows for the solutions

to the Kantian sex problem to be understood in terms of their narrowness or broadness of focus. The internal and external factors are not necessarily exclusive of each other, but instead identify the main component of each proposed solution. This chapter will lay out the groundwork for the rest of the paper by providing the ethical framework within which each conception must work to still be considered Kantian.

The second chapter focuses on the externalist radical feminist writers Andrea Dworkin and Catharine MacKinnon. In this section, Dworkin and MacKinnon's arguments about the relationship between cultural external factors like gender hierarchy and personal attitudes, actions, and morality are discussed. In particular, this section identifies the primary argument that Dworkin and MacKinnon make as one that claims that the culture in which a sexual act occurs fundamentally determines the nature of the act itself and the actors. Resistance to this cultural force seems possible, but unlikely. This argument is important because the cultural atmosphere of gender hierarchy does seem to be an important factor in considering sexual objectification. However, this argument also seems to discount personal freedom and the context of the relationship over the context of the cultural hegemony. Dworkin and MacKinnon place so much emphasis on superstructure that they fail to recognize the autonomy of the agents affected by those structures. This leads to a theory that is incapable of accounting for personal freedom and therefore personal responsibility.

The penultimate chapter reviews Martha Nussbaum and Rae Langton's criticisms of Dworkin and MacKinnon, while also examining Nussbaum's externalist argument and Langton's internalist argument. Nussbaum's defining of objectification is an idea of central importance in any study of feminist scholarship. The definition of the term is multifaceted as people objectify

one another in a variety of ways and sometimes numerous different ways simultaneously. The relationship between the actors functions as the context in which these acts of objectification occur and seems to be what grants the act its moral value (good, bad, or neutral). Sexual objectification, for Nussbaum, occurs whenever a person is treated in a sexual fashion. The objectification, however, only becomes harmful when the context of this sexual treatment does not simultaneously recognize the sexualized person as both an end in herself and an object of, or means to, sexual desire. Only in meaningful relationships (romantic, friendships, or other mutually respectful relations) can sexuality move past mere use and into the realm of morally permissible or desirable. The importance of Nussbaum's position for the final theory is the value of personal context in shaping the moral value of an action.

Langton praises Nussbaum's efforts, but seems to suggest that a more complete theory of sexual objectification has to consider how attitudes affect actions. This claim is deeply ingrained in western philosophy as the difference between choice and accident (legally one could make a parallel in the distinction the court makes between murder and manslaughter). Langton both wishes to expand the number of ways in which one can be objectified in a moral manner and highlight the importance of attitudes in defining the morality of actions. The addition of attitudes and psychological states to the consideration of the moral valuation of acts of sexual objectification is an important addition that brings back the deontological² concept of personal responsibility that is found within Kant's work. The consideration of personal responsibility seems to have been left out at the inclusion of contextual external factors. However, its inclusion is important in creating a broad and nuanced theory of sexual objectification.

The final chapter of the paper is the presentation of a new theory of sexual objectification.

2 Deontological ethical theories concern themselves with the concept of rights and corollary duties.

This theory will account for gender hierarchy, relationships, personal psychology and history, and attitude in its analysis of individual acts of sexual objectification. It will do so by synthesizing both the internalist and externalist theories that have been analyzed and reject the portions that seem to limit or constrain the ability of actors to defy a sort of moral predestination. This consideration of both internal and external factors will not only make this theory more complete, but more directly align it with Kant's own original framework. It will analyze the parts of Kant's framework in terms of the important pieces captured by other feminist theorists, while rejecting Kant's analysis of human nature. The central aspect of this theory is that the bodies of the actors in moral situations do not rob them of reason, but account for the full range of human experience. Sexuality is an important part of that bodily existence and must be incorporated into any meaningful theory of morality. The ability to reason allows humans to fully appreciate the humanity of another person even as they engage in acts to satisfy sexual desires. The morality of sexual objectification then depends on the treatment of all persons within the sexual context always as a subject even when objectifying them. The only time objectification ranges from morally problematic to evil is at those moments when one loses the rational treatment and realization of any person's humanity. This means that if Kant is wrong about human nature, then the distinction between being treated as an object and merely an object lies in the internal and external factors that have been identified by various theorists. A fully Kantian and nuanced approach to sexual objectification can then be made which will allow for the inclusion of sexuality in a moral life of human flourishing. This new theory would save Kant's moral philosophy from the convolutions and complexities that currently make it incapable of responding to the problem of sexual objectification and it would allow for feminist scholars to

better understand what causes undesirable moments of objectification in which a person is treated only as an object. It would also allow for a personal level of resistance to social forces and place responsibility more squarely on the shoulders of individual actors rather than simply unfortunate systems and social constructions.

Kant and the Kantian Typology

Immanuel Kant's moral theory is composed of a metaphysics³ of morals and a practical philosophy. The metaphysics of Kant's theory considers the type of creature which has moral agency and how this type of creature is related to morality itself. Kant's practical philosophy is the application of these *a priori*⁴ understandings to create particular moral judgments. This thesis will suggest that a theory is Kantian based solely on its acceptance of Kant's metaphysics of morals. The reason for this division is that Kant's metaphysics outlines the fundamental nature of moral judgment and must be accepted to be working within the same theoretical framework as Kant himself, whereas his practical philosophy can be rejected as a flawed application of *a priori* principles. Based on this understanding, this chapter will review the two primary components of Kant's metaphysics of morals (moral agency⁵ and its connection to moral law⁶) and his application of this theory to the concepts of sexuality, love, and friendship.

Kant's Metaphysics of Morals

A moral agent for Kant must possess the three qualities of rational faculties, freedom, and a good will. Each of these qualities is necessary for moral agency, but none of them alone are sufficient. A moral agent must have rationality to be morally relevant (at least for Kant) and to understand the moral law. This must be accompanied by freedom so that the rational agent can be held accountable for his actions and be capable of acting in accordance with rationality. A free and rational agent must also be in possession of a good will⁷ so that his actions

3 A “metaphysics of morals” is a claim about the nature of morality itself as opposed to a “practical philosophy,” which is a judgment of the moral value of a particular behavior.

4 *A priori* refers to knowledge or justification that is derived from reason alone (as opposed to *a posteriori* knowledge or justification that is based on experience or observation).

5 A creature has moral agency if and only if it is capable of understanding moral reasoning and acting freely.

6 A moral law is a categorical demand that must be met in order for one to be acting in a moral manner (a law *de facto* vs a law *de jure*).

7 It should also be noted that a good will requires rationality because it is a reaction to rational principles. One

are done as the result of his desire to act upon reason rather than some other intention outside of moral duty. In this way, each of these characteristics function to create the whole of moral agency.

In *The Grounding for the Metaphysics of Morals*, Kant claims, “The principles [of morality] should not be made to depend on the particular nature of human reason...but, rather, the principles should be derived from the universal concept of a rational being in general, since moral laws should hold for every rational being as such.”ⁱ In this statement, Kant indicates that all moral laws are derived from the concept of a rational being. Moral agency, as it has been described, is the embodiment of Kant's rational being. A fully rational being must have access to its rational faculties, the freedom to act on those faculties, and the inclination to do so. If morality is to be derived and based around these agents then it indicates two things. The first is that only rational agents can be treated morally or immorally, and the second is that the moral treatment of these rational agents is the basis for all morality. Kant's metaphysical moral framework, the categorical imperative (CI), is organized around his understanding of moral agency a la rational agency. It is for this reason, that the CI is interconnected to the tripartite characteristics of moral agency and each of these is necessarily represented in the formulation of the moral law.

Rationality functions within the agent as the means by which the agent can comprehend the moral law. As Kant puts it, “They [moral concepts] cannot be abstracted from any empirical, and hence merely contingent, cognition. In this purity of their origin lies their very worthiness to serve us as supreme practical principles; and to the extent that something empirical is added to them, just so much is taken away from their genuine influence and from the absolute worth of the

cannot have a truly good will unless one also possesses reason.

corresponding actions.”ⁱⁱ This means that the moral law cannot be known from any sort of induction from particular experiences of morality, but instead must be understood *a priori* via reason alone. It is because of this, that rationality also functions as the basis for an agent's claim to the right of moral treatment per the moral law. Rationality, thus makes each agent responsible for his actions against each other agent. In order for these actions to occur in any meaningful way the agent must be autonomous.⁸

The freedom of the agent to make choices must be presupposed by Kant's moral system.⁹ He claims, “The will is a kind of causality belonging to living beings insofar as they are rational; freedom would be the property of this causality that makes it effective independent of any determination by alien causes.”ⁱⁱⁱ The will, the ability of a being to act on its desires, of a being towards moral action requires not only an understanding of what is to be desirable (reason), but the ability of that being to freely act upon that desire. Moral laws are meaningless if those that comprehend the laws are incapable of acting in accordance with them, or if they are incapable of choosing to do otherwise. In both cases, it is impossible to act out of a duty to the law and instead one become merely an automaton reacting to stimuli. This robs the agent of their ability to act in a morally considerable manner or be held responsible for their actions. The freedom that is presupposed of moral agents is necessary for the moral law to even be possible. Free choice of the will and rationality are both required for a moral agent to have the esteemed faculty of a good will.

A good will for Kant is, “...good not because of what it effects or accomplishes, nor because of its fitness to attain some proposed end; it is good only through its willing, i.e., it is

8 Autonomy in this sense means free to make ones own choices.

9 The dynamic antinomy of free will, which is the basis for the assumption, is discussed in Kant's *The Critique of Pure Reason*.

good in itself.”^{iv} A good will is, therefore, good because it desires through rationality and by way of freedom to act in accordance to the moral law. In order for an act to be considered morally good, it not only adheres to Kant's CI, but must also do so out of a desire to do good and not merely incidentally or indirectly adhere to the moral law. It is because of this emphasis on the good will that the internal mental states of agents are important in Kant's moral philosophy. The act of one agent on another is good not only because of the type of action occurring, but because it is occurring with the actor having the correct intentions and psychological states.

After now having considered the nature of moral agency and its connection to the moral law, the next thing to consider is the moral law itself. The moral law is presented by Kant in the form of the CI. The CI is differentiated from other imperatives by Kant when he says, “Now all imperatives command either hypothetically or categorically. The former represent the practical necessity of a possible action as a means for attaining something else that one wants (or may possibly want). The categorical imperative would be one which represented an action as objectively necessary in itself, without reference to another end.”^v A hypothetical imperative is one which is not necessary but based only on desire or practical concerns, whereas the CI is a necessary action for any rational being, with a good will, because it is fully rational itself. In explaining how moral agency conforms to the moral law Kant says, “...if the action is represented as good in itself, and hence as necessary in a will which of itself conforms to reason as the principle of the will, then the imperative is categorical.”^{vi} The CI is presented in three forms in *The Grounding of the Metaphysics of Morals* and each form is designed to capture the rational sentiment of morality that Kant espouses throughout his various writings.

The first formulation of the categorical imperative is, “I should never act except in such a

way that I can also will that my maxim should become a universal law.”^{vii} Another way of putting this maxim is, “I should act only in a way so that if all others acted likewise I could will myself into that reality.” A simple application of this principle can be understood with more obvious moral slights like theft or murder. In the case of theft or murder, it is impossible for a moral agent to justify his own theft or murder of another because one could not rationally desire to be in a world where all moral agents stole from or murdered one another. What Kant is indicating in this formulation is that morality is just the alignment of freely chosen actions with rational conceptions of the world and other moral agents. The act of theft is wrong not because it offends the gods or leads to punishment, but because the world cannot survive with this as a moral imperative. The act is rejected not because of what its consequence to others is, but because Kant expects that rational agents must act so that all agents could act in the same way and have a meaningful¹⁰ survival. The second formulation of the categorical imperative outlines the distinction between subjects (moral agents) and objects and concerns itself more directly with treatment and less with the concept of creating the moral law. In this way the second formulation is often considered the most practical of the three formulations Kant offers in *The Grounding of the Metaphysics of Morals*.

Kant's second formulation states, “...Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means.”^{viii} This is one of the most compact statements in Kant's metaphysics of morals and it is pertinent to analyze each of its components in order to come to a coherent understanding of this formulation.

10 It is important to differentiate survival from meaningful survival. The world can survive sometime if theft is considered to be morally acceptable, however, it would not be a survival that recognized the rationality in each moral agent and therefore that survival would be ultimately meaningless.

The word 'act' is used here to indicate that one can only have moral judgments about the actions one actually takes. Kant does not allow us to judge the morality of someone's desire to do something immoral if the action is never taken. The desire to harm would then be separated from the act of harming. This does not dismiss internal states from Kant's moral theory, however, it does mean these states can only be judged as morally relevant in relation to an action taken by the moral agent and not as a stand-alone point of judgment. These actions are to be done, if moral, in such a way that they treat the humanity of the person being acted upon in a particular way.

'Humanity' is normally used to refer to the essential features of the human condition that are shared by humans insofar as they are a class¹¹. The concept of humanity for Kant is not related to the basic biological makeup of the species *homo sapien*, but is instead closely linked to his use of the word 'person' in this same sentence. The trait which defines humanity that one must have in order to be a person is reason. If one does not have the ability to exercise reason through some rational faculty then one is not a member of humanity nor capable of being a person. If there were some fully rational extraterrestrial intelligence then it would be considered a member of humanity, a moral agent, and a person. However, if there were a human who were incapable of rational thought because of age, development, or any other type of occurrence then such a human would not be part of the class of humanity.

Kant ends this statement by claiming that if one is to consider an action moral then that action must treat all rational agents as ends in themselves and never simply as a means. The act

11 Class here is referring to a particular set- in this case humans- that are defined by particular necessary and sufficient conditions or a family resemblance. Kant works under the assumption that the class of humans share a particular set of necessary and sufficient conditions, and as a consequence of this belief he will dismiss children and the mentally ill as being incapable of having full humanity. This is because they lack the rationality that Kant finds to be the main component of humanity.

of treating someone as simply a means is called objectification. By denying someone the respect of their rational agency, one actively denies that such a person is an autonomous subject and instead reduces that person to the state of an object via that treatment. This means that the treatment of a particular person or thing as simply a means is to treat that person or thing as an object. Conversely, the treatment of a particular person or thing as an end in itself is to treat that person or thing as a subject. The treatment of someone or something as simply a means indicates that one places value on that someone or something solely on its use to getting to some end¹². The treatment of someone or something as an end in itself, is the treatment of that someone or something as though it has an intrinsic value. This means that subjects, ends in themselves, are valuable as they are, but the treatment of them as though they are not- as if they are simply objects- is immoral because it violates the immutable intrinsic value of the subject. However, it is possible to treat someone as a means to an end and simultaneously as an end in oneself. This is not morally problematic because the subject retains its proper respect throughout its treatment. This can be exemplified in the relationship that exists between student and teacher. The teacher uses the students as a means of getting paid but gives the students an education out of respect for their desires and because honoring the agreement admits to the right the student has to that particular gain. The student, likewise, uses the teacher to gain an education but pays the teacher so as to honor the exchange of the work from the teacher and fully recognize the efforts of the teacher as a person deserving a particular level of respect. The element of objectification is not morally reprehensible because it does not deny the humanity or subject nature of the person being treated as an object. The alternative would be something like the treatment of a rape victim

12 This is only problematic when it is the treatment of a rational agent as simply a means. In other permutations (i.e. treating an object as merely a means, treating a non-rational being as merely a means, or either of these as ends in themselves) there is no moral problem from the perspective of Kant's moral framework.

by the rapist. The rapist treats his target as simply a means to power, pleasure, and/or sexual achievement but doesn't care for the desire or autonomy of his target. The rape victim has no exchange with his rapist, but is instead made into merely the object of the rapist's desires. The difference between these two actions at the fundamental level is the presence or lack of reciprocity, respect, and recognition which are the components of treating one as an end in oneself.¹³

The idea of respecting other moral agents as ends in themselves is most directly addressed in Kant's third formulation of the CI. The analysis doesn't account for how one actually correctly respects another person as an end in himself, but it does offer a way to consider others as ends in themselves from a moral perspective. Kant's third formulation states:

For all rational beings stand under the law that each of them should treat himself and all others never merely as means but always at the same time as an end in himself. Hereby arises a systematic union of rational beings through common objective laws, i.e., a kingdom that may be called a kingdom of ends...A rational being belongs to the kingdom of ends as a member when he legislates in it universal laws while also being himself subject to these laws. He belongs to it as sovereign, when as legislator he is himself subject to the will of no other.^{ix}

This formulation is complex in its application because once a moral agent acts as a member of a kingdom of ends then he is a member. This formulation states, that by acting according to reason rational beings become members of a kingdom of ends. A kingdom of ends is an idealized world in which all rational beings act in full accord with rational principles. This is a vision of a utopian world in which rational beings recognize their full potential. This world can only be achieved by rational agents choosing to be members of this kingdom of ends before

¹³ The idea of reciprocity, respect, and recognition will be discussed in the final chapter of this thesis and are not Kant's ideas of treating someone as an end in himself. Kant's idea of treatment is never fully explained in his metaphysics of morals, but its application to particular cases in his practical philosophy can be explored in *The Metaphysics of Morals* (especially the second book) and *Lectures on Ethics*.

it obtains¹⁴ in reality. In a kingdom of ends every rational agent would be sovereign unto himself because all rational agents would, according to Kant, legislate the same laws for all members and would therefore act simultaneously as their own legislator and sovereign. The ideal of the kingdom of ends is at once a version of the CI and also the suggested outcome of the CI's implementation as a practice rather than only a rational principle¹⁵.

Each of Kant's three formulations provide a means by which one can identify the particular things one should restrain oneself from doing. Kant's CI is designed to be the basis for all particular moral principles. It is the underlying framework by which moral imperatives must be constructed, and with which no maxim can contradict. Kant synthesizes the three formulations as a model for the construction of moral maxims when he says:

All maxims have, namely, 1. A form, which consists in universality; and in this respect the formula of the moral imperative is expressed thus: maxims must be so chosen as if they were to hold universal laws of nature. 2. A matter, viz., an end; and here the formula says that a rational being, inasmuch as he is by his very nature an end and hence an end in himself, must serve in every maxim as a condition limiting all merely relative and arbitrary ends. 3. A complete determination of all maxims by the formula that all maxims proceeding from his own legislation ought to harmonize with a possible kingdom of ends as a kingdom of nature.^x

The three formulations are combined to provide a single coherent framework. Any maxim must be willed to be universal in its treatment of all rational beings as ends in themselves and never merely as a means. This maxim must be capable of harmonizing with all other maxims which compose a possible kingdom of ends. This is the product of Kant's metaphysics of morals. It is the law which binds rational beings as he defines them. It is used as a basis to judge the moral value of every perceivable moral law. It forces these laws to work in concert to become a

14 Something obtains when it becomes a part of the world rather than existing solely as an object of imagination or thought.

15 It is important to note that Kant thinks people should act in accordance to the CI even if a kingdom of ends never arises because morality is based on actions and not consequences.

coherent morality in which no law can contradict another (per the 3rd formulation). If a moral law conforms to the CI then and only then do moral agents have a duty to that law. All moral agents have a duty to act on these rational moral principles and act according to this duty only through a good will.

The final element of Kant's metaphysics of morals is the concept of duty which binds the moral agent to the moral law. A distinction between duty (the necessary link between the agent and the law) and a good will (the desire to act on duty) should be kept in mind when considering Kant's contemplation of the role of duty in morality. One does not have a duty because one wills to act morally, rather one wills to act morally only because one has a duty. Kant claims that our duty to the moral law is derived from the CI. The CI is based upon and reflects the rationality of moral agents, and because of this if there is a duty to anything then it is to the moral law defined by the CI. As Kant puts it, "...if duty is a concept which is to have significance and real legislative authority for our actions, then such duty can be expressed only in categorical imperatives."^{xi} Kant goes on to explain, "For duty has to be practical, unconditioned necessity of action; hence it must hold for all rational beings (to whom alone an imperative is at all applicable) and for this reason only can it also be a law for all human wills."^{xii} It is in this passage that Kant defines duty as, "unconditioned necessity of action." This means that anytime one has a duty within Kant's deontological ethical system, then they must act according to a particular principle unconditionally in order to be acting in accordance with the moral law. The concept of necessary action is the defining characteristic of deontological theories. The concept of duty and its relationship to the moral agent and the CI are the defining features of Kant's moral framework.

Before proceeding to Kant's practical philosophy, it seems pertinent to differentiate between the CI and a CI. 'The CI' is the most basic fundamental moral law and the moral law upon which all others are built. However, 'a CI' is one of any number of moral laws that can fit into the framework of the CI. The totality of the moral law is composed of various categorical imperatives because each law must be categorical in its scope (being necessary to all rational beings) and an imperative in terms of duty (requiring an unconditioned necessity of action). The practical philosophy of Kant and any Kantian is up for debate because they are arguing the moral law they propose is based on the CI, but these individual moral laws can be dismissed and one can still maintain a Kantian metaphysics of morals. With this distinction in mind, one can consider Kant's myriad of suggested moral laws and offer a meaningful critique of them from Kant's own theory. The next section is an analysis and critique of Kant's practical philosophy as it is connected to the concept of sex, love, and friendship.

Kant's Practical Philosophy

Kant's opinions on sex are shaped by his environment and carry the baggage of enlightenment era culture and Christianity. Much of his hostility towards sexual relations is captured in his statement, "In loving from sexual inclination, they make the person into an object of their appetite. As soon as the person is possessed, and the appetite sated, they are thrown away, as one throws away a lemon after sucking the juice from it."^{xiii} Kant believes that sex is an entirely carnal act and any attempt to include affection into the act itself is futile. The satiation of one's appetite for another leaves the object of these desires used and unwanted once the passions subside. Kant doesn't discount the attempts that people make to incorporate sex and affection but, thinks these attempts ultimately fail without the contract of marriage.

Kant claims, “The sexual impulse can admittedly be combined with human affection, and then it also carries with it the aims of the latter, but if it is taken in and by itself, it is nothing more than appetite. But, so considered, there lies in this inclination a degradation of man; for as soon as anyone becomes an object of another's appetite, that person is in fact a thing, whereby the other's appetite is sated, and can be misused as such a thing by anybody.”^{xiv} In this statement, and many others, Kant implies that sex is an act in which a person takes another's body as an inert thing for his use. His interpretation of sex as a parasitic act is the basis for his rejection of the act as necessarily immoral. Kant's claim can be understood as a conditional that states: if non-marital sex is necessarily parasitic then it violates the second formulation of the CI. This occurs because the treatment of the person as only a means to sexual pleasure reduces that person to the state of an object of appetite. The object of the sexual desire is then treated merely as the means to the pleasure of the moral agent using him and never as an end in himself because he is only recognized to the degree that he offers sexual pleasure to said agent. This limited scope of recognition denies the subject nature of the sexual object. The failure to recognize another as an end in himself occurs when one fails to act upon the idea that, “For the ends of any subject who is an end in himself must as far as possible be my ends also, if that conception of an end in itself is to have its full effect in me.”^{xv} The failure of the moral agent partaking of sexual pleasure is the inability of that agent to view the desires of the partner beyond his own sexual appetite. This means that the moral agent fails to respect the ends of the object of the sexual desire. Kant's claim about sexuality is that the appetite overwhelms moral agents and robs them of the ability to fully recognize the humanity of the sexual object who becomes simply a means.

The rejection of Kant's position on sexuality requires a rejection of his claim that, “...the

sexual impulse is not an inclination that one human has for another, *qua* human, but an inclination for their sex, it is therefore a *principium* of the debasement of humanity, a source for the preference of one sex over the other, and the dishonoring of that sex by satisfying the inclination.”^{xvi} The claims that Kant has made about the nature of sex are all biased at some level by his personal experiences. There seems to be no quality of sex that robs its actors of the ability to recognize the humanity of their respective partners. Kant insists that all sex is overwhelming of reason, but it seems that this is merely a possibility. There are many cases of unmarried couples having sex so that they share the spaces of their bodies and act to recognize the desires of their significant other in the act of sex. Sex in these cases is not simply an appetite for the sexual organs and pleasure, but instead an act of intimacy that helps two people share the whole of their person in an act that requires mutual respect and in a basic sense love¹⁶. This type of sexual treatment is exemplified by Eric and Donna's relationship in *That 70's Show*.¹⁷ Throughout the first two seasons of the show Eric and Donna are shown to have strong sexual desires for one another. These desires lead to a form of sexual objectification in which both people see the other as a means to sexual satisfaction. However, unlike Kant's theory, Eric and Donna first restrain their sexual desire as part of their recognition of each other's humanity. Their first sexual act comes after many years of knowing each other, and after dating for over a year. Their first act of sex is preceded by Donna writing wedding vows for her parents in which she voiced her love for Eric. This declaration of love leads to the two characters having pre-marital sex.^{xvii} The sex is not a mere satisfaction of the couple's mutual desires, it is an act that expresses the love and intimacy the two share. The context of the relationship, the intentions of the two actors in the situation,

16 This love would be well-wishing or benevolence for Kant or perhaps more generally the Platonic concept of Eros.

17 A more complete analysis of *That 70's Show* is available in the final chapter.

and their resulting attitudes towards each other successfully allow them to sexually objectify each other while still recognizing, respecting, and reciprocating their personhood.

Sex is not necessarily an act of intimacy or love. The point of depicting an alternative possibility for sex is to show that there is no reason why sex would necessarily be in violation of the second formulation of the CI. The rejection of Kant's universal claim would require only one example in an inductive¹⁸ sense, or in a deductive¹⁹ sense one must merely prove that there is no reason why sex is necessarily what Kant has claimed it to be. In addition to these particular claims about sex, Kant also makes similar arguments about friendship and love as they relate back to sex. He believes that sex destroys friendship and love by violating moral principles and can only occur in a morally permissible way in the case of marriage.

In relation to friendship Kant claims, "Friendship is an Idea, because it is not drawn from experience, but has its seat in the understanding; in experience it is very defective, but in morals it is a very necessary Idea."^{xviii} He claims that friendship is necessarily defective in any incarnation that can be experienced *a posteriori*, however, despite its failures to be adequately practiced, friendship is considered to be a virtue and worthy of human effort. The meaningful relationships that exist between rational agents, when they are noble and moral, are imperfect versions of a single *a priori* conception of friendship. The concept, for Kant, is indicative not only of relationships that are considered to be acts of *philia*²⁰, but also the loving part of *eros*²¹

18 This is because Kant's claim is that all sex is of a particular type and the inductive counter argument to this is to introduce at least one example in which this is not true.

19 The deductive response requires the claim that the act of sex does not require that one fully submit to their passions. There seems to be no reason why this must occur during the act therefore it is at least possible for a morally permissible act of sex to occur.

20 *Philia* is an ancient Greek word which refers to a sort of brotherly love. It is a love of the virtue of another person.

21 *Eros* is an ancient Greek word which refers to erotic love. The love of giving oneself to the object of their erotic desire is reflected in Kant's friendship rather than the erotic desire to possess the object of the desire sexually.

that exists outside of lust. This concept of friendship is the goal for every relation between two rational beings. It is incapable of being achieved because of the imperfection of all rational beings and their inevitable immorality. The immorality of one agent damages the ability of that agent to take part in the mutuality required of the relationship. Things which violate the moral laws derived from the CI rob people of the ability to form friendships in ways that fully reflect the *a priori* conception.

When defining friendship Kant says, “The greatest love I can have for another is to love him as myself, for I cannot love anybody more than that; but if I could love him as myself, I can do it no otherwise than by being assured that he will love me as much as himself; in that case I am requited for what I part with, and thereby regain occupancy of myself.”^{xix} Despite the likelihood of either or both of these possibilities of the greatest possible love obtaining being impossible, Kant thinks that rational beings should act on this possibility and use it as a model of their relationships. He thinks that the basic nature of morality aims at perfection even if such a thing has never occurred. It is by this reasoning that Kant believes friendship is an important attempt for all humans to make and by approaching its perfection people are made better. The analysis of friendship that Kant offers is particularly useful when it comes to analyzing sexuality.

Kant believes that sexuality disrupts friendship, one of the highest goods rational beings can aim for, by violating the second formulation of the CI. His belief that sex forces two rational beings to reduce one another to merely the means of each other’s desires means that it makes the requirement of giving oneself over to another in friendship incapable of being realized. There seems to be no reason to think that one is incapable of exchanging equal love with another person because sex occurs within the relationship, and this argument occurs for all the same

reasons as the previous argument about sex itself. It must be acknowledged that Kant does indicate a possibility, but not a necessity²². Despite this reiteration it is important to bring up friendship because the ideal of friendship is identical to marriage for Kant except for the presence of a contract. Kant allows for sexual intercourse in marriage but not friendship solely for this reason. If the contract present in marriage does not alter the relationship between the two moral agents in any meaningful way then there is an inconsistency in Kant's practical philosophy.

Kant justifies his position on marriage when he claims, “*Matrimonium* signifies a contract between two persons, in which they mutually accord equal rights to one another, and submit to the condition that each transfers his whole person entirely to the other, so that each has a complete right to the other's whole person.”^{xx} The concept of marriage seems to clearly reflect Kant's definition of friendship and differs only in its mention of a contract and its use of the language of rights. The act of sex is justified in marriage because the contract of marriage unifies the wills of the two moral agents bound by the contract. Friendship, instead, depends entirely on the freely giving of oneself with only the expectation of reciprocation in return. The idea that marriage makes certain what friendship can only hope to have obtain is only effective *prima facie*²³ as an argument. The reason this argument fails is because the contract of marriage is a contract *de jure* and cannot force a change *de facto*. Marriage may require by law what friendship requires by definition, but the actual change in the relationship between any two moral agents in either situation is non-existent. Since legislation cannot define the reality of the two moral agents there is no difference contributed by the contract other than the social acceptance of the act of sex between the contracted agents. There is no reason why legislation would alter the

22 If there is no necessary relationship between sex and objectification then it is insufficient to be a moral law. It becomes a case of personal/cultural restriction if particular people or societies have made this sort of relationship common, but this is not a sufficient basis for a categorical moral law.

23 At first glance or at a superficial level.

relationship between two people, as Kant believes, and because of this there is nothing at the substance of Kant's argument, other than the virtue of friendship, allowing for the sexual act to be one that does not debase humanity. Kant's dependence on marriage instead of friendship seems to be based on some influence apart from reason and seems objectionable as a moral claim.

Kant has failed to make a convincing case for the necessary immorality of sex nor for a solution to that problem being found in marriage. It instead seems that the potential for avoiding using someone as merely a means in the act of sex may actually lie in the relationship the agents have to one another and the thoughts and feelings they share, like love and respect, that define that relationship.

The last important aspect of Kant's analysis of sex is his concept of loving. He offers two distinct manners in which a person is loved, "All love is either love that wishes well, or love that likes well. Well-wishing love consists in the wish and inclination to promote the happiness of others. The love that likes well is the pleasure we take in showing approval of another's perfections."^{xxi} The first type of love, well-wishing, is the type of love that occurs when a person acts out of affection for another to increase or maintain their happiness. The second type of love, liking well, is not about promoting the happiness of another but about praising his perfection²⁴. Anytime someone loves virtuously, they must love in one of these two manners²⁵.

24 It is probably better to think of perfection in this sense as synonymous with virtue.

25 Kant discusses imperfect manners of love in *Lectures on Ethics* and *Metaphysics of Morals*. These types of love are just variations on the two virtuous ways of loving in which something is lacking in the love (i.e. praising someone to be praised rather than for their actual perfections). They aren't of particular importance for this discussion.

Dworkin and MacKinnon

Andrea Dworkin and Catharine MacKinnon are well known as anti-pornography second-wave feminists. Importantly for the current project, both Dworkin and MacKinnon discuss sexual objectification extensively in their work. Dworkin's discussion is focused mostly on the internalization of the social and the cultural and the relationship this has to gender hierarchy. Dworkin's concern with internalization is not on the internalized itself, but on the conditions that lead to the internalization of gender hierarchy. Since Dworkin's analysis of the sex problem is based on the impact of external forces she would still be considered an externalist by Soble's typology. While MacKinnon shares an interest in internalization, her primary concern is with the material reality that women navigate as a result of social and cultural structures. In both views, the cause of the sex problem is external to the actor and the solution must respond to the external cause. This chapter will review the arguments about sexual objectification from both Dworkin and MacKinnon, analyze them in terms of Kant's moral framework, and critique their approach to solving the Kantian sex problem.

Dworkin

Dworkin is writing from the perspective of an activist rather than a more traditional theorist. This can make her theory often times obscured by righteous tirades against the unfair institution of gender hierarchy and the privilege it grants men. However, the most basic outline of her theory can be drawn from *Intercourse* and *Woman Hating*. In *Intercourse*, Dworkin explores the relationship of objectification in the act of intercourse itself. This is more directly linked to the Kantian problem of sexuality and respect. However, in *Woman Hating* Dworkin approaches a larger cultural perspective of how attitudes towards women are internalized.

Between these two works, her theory will be mapped out as primarily concerned with the external force of gender hierarchy which will act to inform and contextualize all psychological conditions (i.e. attitudes and thoughts about the nature and value of gender). This overlaps MacKinnon's approach, which also discusses internalization, but where Dworkin focuses primarily on internalization, MacKinnon focuses primarily on the material reality of the lives of women within gender hierarchy which develops as a result of these external social institutions. In a way, these institutions are created as a result of certain internalized beliefs about gender, but in other ways these institutions create a certain reality that people live in and accept as natural. In pornography, for instance, women become part of the porn industry because of an internalization of gender hierarchy, but the porn industry is also one of the institutions that changes the material reality, the actual physical embodied experience of one as one lives one's life, of people and in doing so often becomes internalized as a truer reality than proposing that women have a basic human dignity. It is because of this cycle of construction that Dworkin's theory of internalization and MacKinnon's theory of the material reality of a gender hierarchical hegemony serve each other so well.

The main focus of internalization for Dworkin centers around intercourse itself. The way that intercourse is perceived and how that perception becomes practice is central to her analysis of the sexual objectification of women. Dworkin claims, “.intercourse distorts and ultimately destroys any potential human equality between men and women by turning women into objects and men into exploiters”.^{xxii} Men become incapable of achieving sexuality without an object of that sexuality. This means that for men intercourse, within gender hierarchy, requires the objectification of the object of one's sexual desire. An example of this type objectification is

found in Bram Stoker's *Dracula*. When Mina Harker is taken by Dracula and fought for by Jonathan Harker. In the case of both men, Mina Harker is reduced to an object to be owned. The men fight over her and try to obtain her in an effort to control her sexually. The result is that Mina become little more than the object of both Dracula's and Jonathan Harker's desires. The two fight over the right to own and conquer her. The conquest of her is sexualized by both men. Dracula's attempts to take her and turn her are marked by sexual imagery as he comes to her in the night and drains her. Upon her return to her husband, Mina reports that Dracula had told her, "But as yet you are to be punished for what you have done. You have aided in thwarting me; now you shall come to my call."^{xxiii} He intends to own her mind and control her body. Dracula comes to treat Mina as a sexual object whose ownership is a direct challenge to Harker. Jonathan Harker spends the rest of the novel trying to reclaim his wife and finally makes the choice to defeat Dracula to secure Mina, even if it means killing her. It is only after the events of the novel that Mina bears a child, thus becoming sexually claimed by Jonathan Harker who has successfully achieved ownership over her. The story is an example of how men require the objectification of women for sex. Jonathan Harker could not use Mina physically until she was his alone. The key component of sexual objectification, conquest, requires the ownership or use of women by men.

If men cannot objectify, then they cannot become truly sexual or masculine. In this system, the identity of men is based on their ability to dominate women and women are given their identity only as an extension of their objectification and conquest by men. This distortion of identity and sexuality leads to the impossibility of equality within the system of gender hierarchy. As gender hierarchy is ubiquitous and reinforced, this becomes internalized and made part of the psychological character of men and women and not just an external force. Dworkin

identifies this as a transition from culture to individual action via the internalization of eroticized dominance from gender hierarchy.^{xxiv}

This is the fundamental thesis Dworkin holds about heterosexual intercourse within American society²⁶. This plays into the Kantian framework of this project by identifying the act of sex as fundamental in the systematic reduction of women to merely objects. Dworkin does not make use of the Kantian terminology but she does engage with Kantian concepts in a meaningful way. In all of Dworkin's cases of objectification, she interprets them as having women being reduced to merely objects. This means that when Dworkin claims that intercourse destroys human equality and makes women into objects she means it in the most sinister moral sense that can be imagined within the Kantian framework, the denial of humanity (subjecthood). The disgust that Dworkin feels is familiar and reflects Kant's own antagonism towards sexuality as a process of using people and throwing them away as if they were the rind of a recently devoured fruit. In both cases, the primary concern is that the pleasure that is both derived from and drives the act of sex is what makes sex so likely to be parasitic and objectifying. While Kant perceived this as the result of the passions blinding the rational self, Dworkin sees it as an expression of our cultural evaluation of women as a gender. Dworkin would see the act of intercourse as the most intimate and common practice of gender hierarchy and the realization of the internalization- for men and women- of the institutionalization of that hegemony. The result is that Dworkin has taken a Kantian view, but pushed the basis of the dehumanizing pleasure into the society. As society defines pleasure, it defines the limits of reason.

The reason this objectification occurs within intercourse is because to be gendered as a

26 Dworkin also discusses homosexual relationships throughout *Intercourse*, however, the end result is the same. All relationships are constructed in terms of a polarity of dominant-submissive when the cultural model is presented as such. Dworkin seems to believe some resistance is possible for homosexuals (men in particular), but this resistance is minimal and seems to be forecast to fail. See *Intercourse* 51-54, 58-61, 152-156, and 183.

woman is to be made sexual and to be made sexual within the gender hierarchy of American culture is to be made submissive. As Dworkin claims, “The woman must be reduced to being this sexual object to be pleasing to men who will then, and only then, want to fuck her; once she is made inferior in this way, she is sensual to men and attracts them to her, and a man's desire for her- to use her-is experienced by him as her power over him”.^{xxv} Put another way, “*Depravity, debauchery, dissoluteness*, all connote this exploitation of women, who remain inferior because of it, for pleasure”.^{xxvi} The enterprise of objectification is understood in the language of domination for Dworkin. The woman, who is identified as sexual, is seen as having a power over men, those who crave the sexual. This power is inconsistent with the role of man as dominant within the gender hierarchy. The result is that man must conquer woman, the sexual must be claimed and in being claimed become the object of the conqueror. The social system is set up to make women sexualized and men want to conquer them;, because of this it fuels the process of objectification through the act of intercourse. This is why Dworkin's examination of intercourse is central to any understanding of her theory of sexual objectification. Sexuality is defined by society as the conquest of women, as sexual objects, by men, and it is from these definitions that individual action occurs. However, Dworkin does not conceive of society as having merely an impact on our choices, but understands it as a force that becomes internalized completely. This is one of the major differences between Dworkin and Kant. Kant finds freewill a necessity to even begin the discourse on morality. Dworkin thinks that society becomes reflected in the consciousness of those who are exposed to and influenced by it. She claims, “We function inside the socio-religious scenario of right and wrong, good and bad, licit and illicit, legal and illegal, all saturated with shame and guilt. We are *programmed* by the culture as surely as rats are

programmed to make the arduous way through the scientist's maze, and that programming operates on every level of choice and action".^{xxvii} It is unfair to push an outright deterministic picture onto Dworkin, but it is fair to say that she sees resistance as an unlikely act for those who have their conscious perception of self and others saturated by the concepts they encounter from the social and the cultural matrix. Dworkin seems to see freewill as the first major battle of rejecting sexual objectification. People must fight to choose to act counter to the cultural and social constructions- gender hierarchy in particular- that they have become indoctrinated with. Dworkin believes that in order to fully account for the relations between people at the sexual level, regardless of sexual orientation, there must be a consideration of the sociocultural environment. As the pressure from these cultural and social influences affect the personal attitudes of individual actors, it makes their most intimate act, intercourse, representative and perpetuating of those same influences. Dworkin bases her analysis of sexual objectification on the overwhelming power of the social and the cultural to impact our choices and attitudes through internalization.

Dworkin discusses objectification, *a la* dominance, in terms of internalized social modes of understanding. The social prescription of intercourse as the most concrete act of dominance then makes the actors within intercourse play to the script of domination and submission through sexuality and gender. In discussing the internal aspects of intercourse, Dworkin claims:

Sexual intercourse is not intrinsically banal...It is intense, often desperate. The internal landscape is a violent upheaval, a wild and ultimately cruel disregard of human individuality, a brazen, high-strung wanting that is absolute and imperishable, not attached to personality, no respecter of boundaries; ending not in sexual climax but in a human tragedy of failed relationships, vengeful bitterness in an aftermath of sexual heat, personality corroded by too much endurance of undesired, habitual intercourse, conflict, a wearing away of vitality in the numbness finally of habit or compulsion or the loneliness of separation. The

experience of fucking changes people, so that they are often lost to each other and slowly they are lost to human hope. The pain of having been exposed, so naked, leads to hiding, self-protection, building barricades, emotional and physical alienation or violent retaliation against anyone who gets close.^{xxviii}

The view that Dworkin offers here is strikingly Kantian. Her conception of sex is one of a process that essentially, rather than incidentally, denies the subjecthood of those involved- especially women who become dominated through the process. In this process, the man is seen as only valuable in terms of his fucking and the woman in terms of her being fucked. Each person in the act is valuable merely as a means to an end and never as an end in themselves. The act of sex, especially within gender hierarchy, denies the humanity of men and women alike. It echoes the Kantian sentiment of discarding people like lemons drained of their juices. In viewing intercourse in this way, Dworkin understands it as an act which embodies the gender hierarchy and perpetuates itself by altering the attitudes and psychological beliefs of the participants so that they mirror the culture's own model of domination. This model of sex results only after a social construction of sorts. Sex becomes the internalization of gender hierarchy acted out in practice. The primary model of sex must be a merely physical act, but all real acts of sex depend on a level of social projection. There can be no sexual act that exists outside of some attachment of meaning, but living in this society the primary meaning that is attached to sex is those that come from the gender hierarchy- though also racial and class constructs can also be attached within this same theory. The result is a perpetually socially encumbered act of sex that can never exist beyond the social- it must either accept the social or actively deny it in an act of resistance.

The objectification of women within the gender hierarchy occurs in two senses within Dworkin's model. In the first sense, women become merely the embodiment of sex and the sexual. In the second sense, they are capable of being possessed and therefore fetishized. Both

aspects of the woman as object are developed in the cultural and made real at the level of interpersonal interaction between the genders. The embodiment of the culture in the act of intercourse can mean that sex itself objectifies women. This means that without any other context, merely having intercourse within the gender hierarchy of America acts to make sex an act of domination and objectification because sex is the gender hierarchy- the signified preceding the signifier. Dworkin discusses this in detail when she claims:

Intercourse is commonly written about and comprehended as a form of possession or an act of possession in which, during which, because of which, a man inhabits a woman, physically covering her and overwhelming her and at the same time penetrating her; and this physical relation to her- over her and inside her- is his possession of her. He has her, or, when he is done, he has had her. By thrusting into her, he takes her over. His thrusting into her is taken to be her capitulation to him as a conqueror; it is a physical surrender of herself to him; he occupies and rules her, expresses his elemental dominance over her, by his possession of her in the fuck.

The act itself, without more, is the possession. There need not be a social relationship in which the woman is subordinate to the man, a chattel in spirit or deed, decorative or hard-working. There need not be an ongoing sexual relationship in which she is chronically, demonstrably, submissive or masochistic. The normal fuck by a normal man is taken to be an act of invasion and ownership undertaken in a mode of predation: colonializing, forceful (manly) or nearly violent; the sexual act that by its nature makes her his.^{xxix}

In her view, the sexual act is the culture in action and it embodies hierarchy. The woman is colonized and made the object, property, of the man. Sex is the act of objectifying. In sex, a woman is merely the object of the man's pleasure. By becoming an object of pleasure the woman's object status allows the man to possess her. The possession of the woman becomes central to the act of sex. Only insofar as women can be made objects can they be possessed, and only insofar as they can be possessed can the act of sex occur. The act itself depends on this possession and objectification. There is also a sense in which after the possession occurs and the

woman shifts from object back towards humanity she is discarded. As women are known as sexual objects the end of the act of sex end not only objectification but the womanhood of the objectified. In the end the woman can only be fully recognized in her possession. This in many ways reflects Kant's own views in *Lectures on Ethics* in which he speaks of the dangers of intercourse. Kant did not recognize the cultural aspect of sex, but saw that sex inspired in people a desire for pleasure that would forsake the humanity of the self and the sexual partner.

Having shown the internalized process of objectification, the next step is to examine the culture Dworkin identifies as jointly being internalized and being caused by those actions which embody the internalized. It is in this way that Dworkin understands culture as both constructing and being constructed simultaneously. However, it is important to understand the structure of the gender hierarchical culture of America that Dworkin is addressing as the context of male domination, and consequently sexual objectification. Dworkin claims:

Intercourse occurs in a context of a power relation that is pervasive and incontrovertible. The context in which the act takes place, whatever the meaning of the act in and of itself, is one in which men have social, economic, political, and physical power over women. Some men do not have all those kinds of power over all women; but all men have some kinds of power over all women; and most men have controlling power over what they call *their* women- the women they fuck. The power is predetermined by gender, by being male.^{xxx}

The culture of America is a gender hierarchy, the same hierarchy reflected within the act of intercourse. Gender hierarchy is a sociocultural system within the United States, and to varying degrees all over the world, while intercourse is a mode by which this system is realized. The system provides men with a set of advantages against women solely by gender, while the act of sex is an exercise of some or all of those powers over women. The ubiquitous nature of sex and its role as a defining feature of the feminine gender within the system makes it the primary mode

by which the system is realized in practice. The male is made dominant and the woman submissive as a matter of culture. This reality is not limited to merely meaning and psychological phenomena, but is embodied in the material reality of everyday life. This powerful influence of culture is what makes sexual objectification so toxic for Dworkin. It is an expression of domination and power from an unjust system.

The analysis of this system serves as a stark break from the theories of Kant. Dworkin proposes that the self is always already encumbered by society, whereas Kant has a conception of the self as transcendent and unencumbered by sociocultural baggage. Dworkin's theory forces the Kantian perspective to confront the reality of the sociocultural by constraining the unencumbered rational self with the reality of one's position in the sociocultural matrix. This is an important step in pushing the Kantian moral framework into a post-enlightenment reality. It makes the Kantian perspective accept or reject the self as grounded in a body shaped by societal forces. This makes the Kantian admit to the internalization of outside forces, or it forces them to reject the impact of the social on the self. Lacking any sort of charitable argument that can push for the latter, it seems that any successful Kantian morality must meet its contemporary criticism from the feminists and the postmodernists. The self must always be addressed relative to its social reality to some degree. This degree may vary, but Dworkin has shown that there is need for a contemporary Kantian theory to reinterpret the self. Dworkin offers one such theory for this interaction in her own work.

In *Woman Hating*, Dworkin claims, "The culture predetermines who we are, how we behave, what we are willing to know, what we are able to feel".^{xxxii} If culture has this substantial ability to affect the internal states of people, then it is unsurprising that culture is the source of

objectification. An additional consequence to this claim is that, in order to alter the internal state of people as they perceive gender and intercourse a new culture, i.e. one that is not based on gender hierarchy, must be developed to which the internal states can reference. The entire state of affairs is a holistic problem for Dworkin because the culture poisons personal interaction and makes people predetermined by factors outside of their control. However, the fact that the problem can be identified and discussed suggests that Dworkin is allowing some freedom for resistance- if one is to be charitable and assume the entire enterprise is not founded upon contradiction. This resistance takes place in the development of an alternative cultural narrative to the gender hierarchy of contemporary America. This counter-culture would postulate a potential freedom of people to truly interact in intercourse and not merely be reduced to a slave type relationship of dominance and submission. As Dworkin puts it, "...society interposes itself- by creating the necessity for identity, by making rules- between two humans, keeping them separate, even during intercourse".^{xxxii} The perpetuation of gender is then identical to the perpetuation of domination.

The freedom from this domination for Dworkin has a number of steps that work within the interplay of the construction/constructing dynamic of culture. In *Woman Hating* she claims, "A first step in the process of liberation...is the radical redefining of the relationship between women and their bodies".^{xxxiii} The new relationship between woman and body that Dworkin is advocating is a release from sexuality. Dworkin wants women, and also men, to stop identifying their existence with their gender. When people become gendered, then they fall into the dichotomous relationship that exists in our society. As men define themselves they also define women. Per Beauvoir's *The Second Sex*, Dworkin claims that men craft themselves and in so

doing define women as all that they are not. Men then identify women as the objects of desire and their conquest and ownership become necessary for the sexuality of men. This is how women become objectified and how gender necessarily creates a hierarchy. In order to move beyond this hierarchy people must place themselves into a post-gender consciousness. This first abdication is for the rejection of gender and the gendered state of submission. By rejecting gender outright, the woman actively rejects gender hierarchy. This results in a new culture of androgyny that replaces the former model of gender hierarchy.

The next step is to redefine fucking in terms of androgyny instead of in terms of gender and domination. Dworkin describes this process when she says, “Specifically, *androgynous fucking requires the destruction of all conventional role-playing, of genital sexuality as the primary focus and value, of couple formations, and of the personality structures dominant-active (“male”) and submissive-passive (“female”)*”.^{xxxiv} The difficulty in actually achieving this sort of cultural revolution is that people are often trapped within their culture without an awareness of their state of being. Thus, to get to the point of androgynous intercourse and a system of androgyny, people must begin to understand how they interact with their culture. Our relationship to culture is exposed by Dworkin when she claims, “As individuals, we experience ourselves as the center of whatever social world we inhabit. We think that we are free and refuse to see that *we are functions of our particular culture*”.^{xxxv} This notion that people are the functions of their culture is most important concept that must be embraced for the consciousness of a group to be raised. In order for a post-gender society to exist, people must consciously reject gender. By rejecting gender they alter how their culture is being constructed. When this construction is altered then the new culture becomes internalized. This internalization leads to a

rejection of hierarchy and dominance which would seem to be the way in which Dworkin alleviates the conditions of sexual objectification. This moral imperative for change and categorical analysis of the act of intercourse as being defined by its context is captured in one of her closing statements in *Woman Hating* when Dworkin says, “The object is cultural transformation. The object is the development of a new kind of human being and a new kind of human community. All of us who have ever tried to right a wrong recognize that truly nothing short of everything will really do”.^{xxxvi} Because culture so wholly envelopes the lives of human beings, it is only through a complete rejection and rebirth that new possibilities emerge. A fully recreated culture is needed to alleviate the woes of gender hierarchy in America and to rid ourselves of the evil of sexual objectification.

There is also an important note about resistance relative to the constructing/constructed model of culture. Resistance which involves consciousness raising requires that there be an initial freedom to raise one's consciousness. There is reason to think that people at different places in society have varying amounts of freedom to raise their consciousness. This is because consciousness raising requires not only introspection, but the desire and freedom to truly examine one's life and the world around one's self. This should suggest that not everyone is capable of raising their consciousness to go beyond the colonized state of mind with which they approach everyday life. The inability of people to see beyond their internalized gender hierarchy raises some serious problems with Dworkin's story. However, insofar as we accept Dworkin's model of resistance it must be with the caveat that individual resistance is only valuable if it can drive the cultural model beyond gender hierarchy.

The Limits of Dworkin

The main problem with Dworkin's work is the confusing place of individual resistance within her theory. In some of the passages she gives a deterministic understanding of the sociocultural such that it programs people like automatons. In other sections she suggests that in order to resist culture individuals must rise above its influence. Either one of these seems to be a clear message about the relationship between the social and the individual, but together they seem to offer little more than a contradiction. Charitably, the best argument on Dworkin's part is that gender hierarchy is total for some and not for others which allows for some resistance that then has a chance to break down the system. In this sense, internalization can be rejected and replaced with a gender consciousness that sort of mirrors the class consciousness that Marx suggests within his work. This would also explain why Dworkin leaves the change in society almost exclusively to women. Women are to feminism what the proletariat are to Marxism. In each case, the position of the subjugated allows for the subjugated to develop a new consciousness beyond their current system. This sort of charitable reading that I offer makes Dworkin's argument more rational, but it also fails to account for the complexity of relationships that occur within gender hierarchy.

Reading Dworkin gives us the choices of contradiction, inescapable gender hierarchy, or a model of gender based consciousness that always seems to be just out of reach. The problem with Dworkin is that the scope of her theory is so massive that it fails to account for pockets of resistance. A pocket of resistance would be larger than an act of individual resistance and significantly more important. A pocket of resistance can be as simple as a group of friends who actively examine their own actions as individuals and how those actions are influenced by

societal gender hierarchy. A pocket can also be as complex as a cultural product, like television or literature, that functions as a catalyst for self-examination and consciousness raising. An example of the latter of these types of resistance could be something like *That 70's Show*, *Chasing Amy*, or *Sin City*, all of which have examples of resistance against gender hierarchy. As Dworkin seems to allow some individuals to develop a raised consciousness, I would suggest that some small groups develop this consciousness and alter their lives to act on it. It seems tautological to state, but Dworkin herself must have had some point of consciousness raising. This consciousness raising then altered her subsequent actions and interactions. It would seem that if anyone is to believe this point of view then he or she must become an example of a person who became aware of this sort of injustice. The question that arises is whether the proponents of Dworkin's ideology reject their former internalized models as they publicly adopt this sort of feminism. It is impossible to argue for the mental state of anyone, but it seems that certain literature or cultural products provoke introspection and that introspection may, though not always, lead to resistance against cultural systems like gender hierarchy. This would not shelter them from the dominant culture of gender hierarchy, but it would give them the freedom to develop meaningful relationships that go beyond domination and subjugation. Dworkin's theory needs to offer an account of person to person interactions that actually compose society. She fails to see the possibility of sex acts that do not destroy their participants as she boldly claims that intercourse must always lead to the destruction of a woman's personhood.^{xxxvii}

Dworkin's theory provides a strong framework for analyzing the sociocultural structure of gender hierarchy and how it becomes internalized in individuals. It forces us to understand the scope of gender hierarchy and the cost it has on our relationships and our sexual activity.

However, Dworkin fails to adequately account for the bottom-up construction of society. She does not see the interactions that create meaningful resistance not only in individual actors, but in the relationships of those actors. Dworkin's theory is ill prepared to account for the nuance of variations in micro level relationships, and because of this is unable to judge the relative values of macro and micro level context. It is this failure to account for the range of external conditions and personal intentions and attitudes that Dworkin's theory has an incomplete approach to the Kantian sex problem. However, the interplay between the macro and the micro via internalization, and the power of large external forces are important contributions that were missing from the original Kantian account.

Catharine Mackinnon

Catharine MacKinnon is a second wave feminist, political philosopher, and legal scholar. Her most well-known work revolves around interpreting pornography as an action instead of a type of speech. She uses her work on pornography, sexuality, and society to discuss the sexual objectification of women. She begins with a macro level analysis of how women are socially constructed and then follows with a consideration of the material consequences of that construction. MacKinnon's perspective on sexual objectification examines social/individual interactions and the role institutions have in this dialogue. In scope, Mackinnon's unmodified feminism resembles Marxist theory- a parallel she often makes explicitly. This section will explore the theme of sexual objectification within MacKinnon's work, analyze it in terms of Kant's moral framework, and critique its effectiveness as a theory of sexual objectification.

Mackinnon's Feminism

MacKinnon demands a feminism that understands the situation of women on their own terms. She claims that, “A feminism that seeks to understand women's situation in order to change it must... identify, criticize, and move those forms and forces that have circumscribed women in the world and in the mind.”^{xxxviii} This is what MacKinnon calls feminism unmodified. It rejects the traditional feminist theories which merely add women to a theory that had once neglected them. These theories- i.e. liberal feminism, Marxist feminism, socialist feminism, etc- work by examining women from familiar perspectives spawned from within the system of gender hierarchy. In contrast, a feminism that is unmodified by any other theory seeks to examine women in their own right.

MacKinnon's feminism also works to identify, criticize, and change those material and internalized forces of gender hierarchy that affect the situation of women. However, despite her *prima facie* commitment to changing both the internalized and material situations of women's lives, MacKinnon is primarily concerned about the material situation- the reality that women live in within a gender hierarchy. The material situation, defined as the sum of all material components of life as opposed to those which are ideological or attitudinal, seems to produce any and all forms of internalization while also being the primary external force which leads to women being in an oppressive situation. As MacKinnon puts it, “[Gender hierarchy] is at once absolutely systematic and absolutely random: systematic because one group is its target and lives knowing it; random because there is no way of telling who is next on the list.”^{xxxix} The systematic abuse of women and its individual constituents are what compose the material reality of gender hierarchy. This can be seen and measured in reduced pay, sexual abuse, rape, and the

treatment of pornography as speech. In all cases, women become differentiated from men by way of the social, political, and cultural. At the social level, women have less say and their opinions become overshadowed by those of men. This form of gender hierarchy actively denies women the ability to shape and understand their own reality by restraining their social presence and social authority. The political aspect of gender hierarchy becomes material in the failure to recognize the claims of women as politically relevant and the denial of women voice in the political process. The policy formulation about women's health, fair pay for women, and legislation about sexual assault (largely against women) are all crafted by and decided by men who hold most governmental policy making positions. In addition to the disproportionate distribution of power in the social and political spheres of life, women tend to be culturally perceived and marketed as objects for consumption. Within a system of gender hierarchy, women become the target of retail stores who push an ideal model of womanhood, but women themselves become objects to be consumed through prostitution, stripping, pornography, and by being a symbol of status for men to collect and display. In each of these classes of treatment, women are made less than men and subservient to men. This breeds the internalization of gender hierarchy wherein the threat of being the next victim of the systematic abuse of women leads women to expect and act on the threat of that abuse. This is how women have their place in the world shaped, and it is how women understand their reality. It is because of this relationship between the material and the internalized that a lot of MacKinnon's work in feminism seems to focus on material reality rather than dealing with the resulting internalization.

The reality that is perpetuated for women by gender hierarchy is sexual objectification. This is the central destructive feature of gender hierarchy and the primary concern of

MacKinnon's feminism. As she puts it, "Sexual objectification is the primary process of the subjection of women. It unites act with word, construction with expression, perception with enforcement, myth with reality. Man fucks woman; subject verb object."^{xi} When we construct sexuality as something that men do or force upon women, then the woman becomes nothing but the object of sexuality. In the gender hierarchy model, the reality of sex for women is being an object. The woman becomes merely a means to pleasure and never recognized as a subject in herself. In recent history, pornography has moved beyond vaginal intercourse, from which the woman can get physical pleasure via clitoris, to acts like fellatio from which the woman gets no physical pleasure and are only sources of psychological pleasure after training. This general trend reflects the movement within gender hierarchy of rejecting women's human desire for pleasure for the treatment of women as a means to the pleasure of men. It also reflects the movement from the material reality, i.e. the acts of real people captured in pornography, to the internalization of that reality, i.e. the training of women to see the fellatio of men as being as pleasurable as it appears in pornography.

This analysis keeps with Kant's second formulation of the categorical imperative about treating people always as ends in themselves and never merely as a means to some end. MacKinnon's feminism seeks to overcome sexual objectification and help engender the treatment of women as ends in themselves. MacKinnon's feminism enacts this change via consciousness raising. This is described by MacKinnon when she says that, "...[the]feminist method is consciousness raising: the collective critical reconstitution of the meaning of women's social experience, as women live through it."^{xii} This feminism seeks to allow women to be evaluated as free and rational subjects and in doing so make a deontological demand that men have a duty to

never treat women as merely a means. This works within Kant's moral framework and seeks to secure women equitable ethical treatment within their lives. This is the first step to change because it is the realization that change needs to occur. This aligns the problem identified by MacKinnon's feminism and its solution to Kant's moral theory.

MacKinnon's feminism approaches the problem of sexual objectification and its solution externally. It identifies the cause of sexual objectification and the oppression of women as being caused by gender hierarchy, an external force constituted by various superstructures that perpetuate a particular material reality for women. This reality becomes internalized and is recognized at its most fundamental level in the sexual interactions that occur between men and women. This ideology becomes embodied in these acts and these acts become captured in the lens of the pornographer. In this way the marketing of sex becomes at once a representation of normal sex within gender hierarchy, and is the embodied practice of that sex since pornography captures real people performing these acts. It codifies the sexual objectification of women and the domination of women by men. This domination of women becomes eroticized in gender hierarchy. As MacKinnon puts it, "...feminism is a theory of how the erotization of dominance and submission creates gender, creates woman and man in the social form in which we know them."^{xlii} This eroticization becomes embodied in, among other institutions, pornography. Pornography captures the domination of actual women in the form of supposed speech, and this speech teaches men how to treat women- i.e. to dominate them. The presence of this power relationship in pornography and its role in promoting the eroticization of domination has made it central to MacKinnon's feminism and its analysis of power.

The power relationship that is gender hierarchy defines the lives of both men and women.

As MacKinnon puts it, “Sexuality, then, is a form of power. Gender, as socially constructed, embodies it, not the reverse. Women and men are divided by gender, made into the sexes as we know them, by the social requirements of its dominant form, heterosexuality, which institutionalizes male sexual dominance and female sexual submission. If this is true, sexuality is the lynchpin of gender inequality.”^{xliii} The sexual arrangement of men and women is both the result constructed by gender hierarchy and how gender hierarchy is constructed. It is constructed by gender hierarchy because it becomes the embodiment of the sociocultural discourse on sex, and it constructs gender hierarchy because the everyday treatment of women and the constant threat of being treated as merely a sexual object for the use of men shapes the reality of women everywhere within the system. This means that sex is the battleground of objectification. It is the place where men are made human and women are made into pleasure. They become the pleasure of conquest when men take them by force and fulfill the social script. In other words, “Objectification makes supremacist sexuality a material reality of women's lives, not just a psychological, attitudinal, or ideological one.”^{xliv} This shows MacKinnon's predilection to observe objectification from a material and external standpoint and not merely as a matter of perception.

Pornography

MacKinnon's paradigm case of the material reality of sexual objectification is pornography. Pornography²⁷ functions simultaneously as an industry of last resort for women, a protected form of speech, an act of forced sex (embodied practice), and as a cultural guide to sexual desire for heterosexual men. As Mackinnon puts it, “...as the human becomes a thing and

27 For the purposes of this thesis I will only address the impact of gender hierarchy on heterosexual relationships. This is not indicative of a homogeneity between different types of sexual attractions within a system of gender hierarchy, but it is done to maintain the succinctness of this particular research.

the mutual becomes one-sided and the given becomes stolen and sold, objectification comes to define femininity, and one-sidedness comes to define mutuality, and force comes to define consent as pictures and words become the forms of possession and use through which women are actually possessed and used.”^{xlv} This entire process is captured in the case of Linda Marchiano. Marchiano was coerced into having sex by gun point for the film *Deep Throat*. The act of sex became one-sided as the man got pleasure and the woman was forced to give fellatio to the point of vomiting. She becomes coerced and her coercion is captured on film and turned into speech. Her feminine nature is defined by her objectification and use, while the sexual nature of the act is defined by its force. In the end, the possession and use of Marchiano in the film led to her possession and use in life. The film became evidence of her consent, and her consent became evidence of the ownership of the film by her rapists. The reality of her situation became reduced to speech and her attackers became protected by the first amendment.

Since women are on average paid less than men in almost every profession, it is not surprising that the pornography industry offers relatively high wages to entice women into selling their bodies. This industry pays women to have sex and then markets images of that sex to millions of consumers (mostly men). There is no difference between pornography and prostitution from this perspective, and it is because of this that pornography is seen as an industry of last resort for women. This is because, “[Pornography] exploits women's sexual and economic inequality for gain. It sells women to men as and for sex.”^{xlvi} The commodification of women is central to MacKinnon's analysis of pornography, and it is part of the external context that constitutes the objectification of women. If women did not live in a society of economic and sexual inequality, then pornography would not be such an exploitative industry. As is,

pornography is little more than coerced sex because of the wages it offers compared to the other wages that women are offered. It is part of a larger social context that shapes what material choices are available to women. This is the first sense in which sexual objectification occurs because of and causes an external social reality.

Since the focus of the debate on pornography is not on the sex women are paid for and coerced into, but on the speech rights of pornographers then it becomes clear that pornography is legally seen as a form of speech. This undermines that the reality of pornography is the sex that is produced into the image and not the image itself. The greater weight given to the image is itself a rejection of the subjecthood of women. It gives more value to the speech rights of pornographers than to the bodily integrity of the women who are coerced into sex. MacKinnon criticizes the view that pornography is speech because it requires actual acts to occur for it to be made. The experiences of real people cannot be justified and protected as speech. She goes on to claim that even if pornography is considered to be speech then it would be a type of speech that categorically demeans women and should be censored as hate speech. These two strains of thought meet when she says, “Social inequality is substantially created and enforced- that is, *done*- through words and images.”^{xlvii} The enforcement of inequality comes from unrestrained hate speech that demeans women and this speech is produced only through the coercion of actual women into sexual acts. The result of the speech status of pornography is the industrialization and legal protection of the commodification of women. It is a jurisprudence that protects the powerful at the expense of the powerless.

The sex that comprises the contents of pornography is the embodied practice of sexual objectification. It treats women as commodities and denies their humanity. In *Only Words*,

MacKinnon claims, “Once you are used for sex, you are sexualized. You lose your human status. You are sex, therefore unworthy of belief and impossible to violate.”^{xlvi} This means that women become merely a means to an end and never an end in themselves. They are the means to profit and to pleasure, but they never seen as fully human. They become objects that are mass produced via pornography, used, and discarded.

The use of pornography transforms it from the reproduction of an act of coerced sex to a cultural guide to how sex ought to be. Pornography is not only the embodied practice of objectification, but it spreads like a virus through its population of subscribers. As MacKinnon says, “Pornography does not simply express or interpret experience; it substitutes for it.”^{xlix} The use of pornography for masturbation elevates it to sexual fantasy. This fantasy becomes the desire that drives the viewer, and is carried over into their attitudes and expectations about sex. This means that the internalization of pornographic images inspired particular attitudes and intentions that then cause the embodiment of that objectification to obtain for novel men and women who reproduce the act captured by the pornographer (i.e. coerced sexual activity).

The full impact of pornography is captured by MacKinnon when she says, “Pornography makes the world a pornographic place through its making and use, establishing what women are said to exist as, are seen as, are treated as, constructing the social reality of what a woman is and can be in terms of what can be done to her, and what a man is in terms of doing it.”¹ Pornography creates a world where womanhood is defined by objecthood. Women are made fungible, inert, and lacking in bodily integrity. Women become the object of sex and when they are sexualized they are made the object of men's desire. Women are then objects to be conquered and the conquering defines the sexual act. This is what MacKinnon means when she says that

pornography has shifted the social reality of women. The result is the mass sexual objectification of women in gender hierarchical societies. This means that sex that does not result in the treatment of women as merely a means to an end is nigh impossible.

Law, State, and Feminist Jurisprudence

One of the problems of pornography is its legal status as speech. Pornography functions as an industry that commodifies women, but the underlying problem is the facilitation of this effect by the legal system. The state serves a major role in MacKinnon's feminism and specifically in her theory of objectification. The state is a superstructure that justifies and perpetuates gender hierarchy. As MacKinnon claims, "Gender is a social system that divides power. It is therefore a political system."^{li} The system of gender hierarchy is embodied in the acts of individuals, but it is perpetuated at the level of governance. The inability in the state to either protect the selfhood of women or to care to try has implicated the liberal state in a failure to adequately address the material and social reality of women.

MacKinnon's feminist theory of the state is basically that, "The state is a male in the feminist sense: the law sees and treats women the way men see and treat women. The liberal state coercively and authoritatively constitutes the social order in the interests of men as a gender- through its legitimating norms, forms, relation to society, and substantive policies."^{lii} The idea MacKinnon is pushing is that the liberal state is one in which men and women are treated identically, the way men would choose to treat someone. This means that the treatment is not rationally constructed to the person, but biased based on gender. This means that because men prescribe to gender hierarchy so then must the state. As men objectify women so too does the state. This objectification is, however, only truly systematic because of the state. This is because

it legitimates the norms and social relations of gender hierarchy. Since the liberal state is partially defined by its control over the means of violence then it seems safe to say that it uses this power to define the relations between men and women. The definition happens perpetually at the legal level and is enforced by the power of the state itself. This means that one must divide the superstructure between the form of the state, that which has the power to enforce, and the law, that which is enforced by the power. Since the law both constrains and frees people to act in certain ways it would seem that the law is the primary external process that legitimates and perpetuates gender hierarchy.

For Mackinnon, “Law, as words in power, writes society in state form and writes the state onto society. The rule form, which unites scientific knowledge with state control in its conception of what law is, institutionalizes the objective stance as jurisprudence.”^{liii} Here MacKinnon expresses a complex relationship that defines the legal system. The law acts as a reflection of the liberal state and the liberal state is an embodiment of a particular theoretical model. The model of the liberal state is one of modernity and science. The liberal state embodies a scientific, objective, view of the world. However, since the state itself is socially created the objective view it has is actually a particular subjective view- a male view. The state views men and women in terms of unencumbered selves per liberal tradition, and this view perpetuates itself when the law fails to distinguish between the reality of men and women in a gender hierarchical society. If women demand more pay for the jobs they do then the liberal state replies that anyone who works those particular jobs gets the same wages. This means that the state is blind to women having a socially defined workspace that is almost entirely occupied by a single gender. This blindness to social reality leads to a perpetuation or exacerbation of gender hierarchy. Even in

cases where women and men should have a shared interest, i.e. laws on rape, the legal system looks at rape from the perspective of only men who are the primary perpetrators of rape. It demands that the man be shown to have known he violated someone, instead of demanding that the perpetrator prove that he did not harm the victim. Because the liberal state perceives itself as objective, it then perceives its laws as just in their blindness to social reality. This dependence on the uninhibited self and its impact on the legal systems interaction with women shows how gender hierarchy saturates the legal discourse.

In order for the context of society to change, the laws which perpetuate and legitimize that society must also change. However, since the state is static in its monopoly of force, the only option is to try and change the state at the legal level. This would mean changing legal action at the legislative and judicial level since the legislature creates laws that reflect the interests of the liberal state. The judicial level offers the unique ability to allow individuals to directly change the interpretation of what is legally relevant. If the jurisprudence of these courts is changed to a feminist jurisprudence then it means going beyond a blind acceptance of unencumbered citizens. It means questioning different perspectives on reality. This is MacKinnon's solution to the problem of sexual objectification. As she puts it:

A jurisprudence is a theory of the relation between life and law. In life, “woman” and “man” are widely experienced as features of being, not constructs of perception, cultural interventions, or forced identities. Gender, in other words, is lived as ontology, not as epistemology. Law actively participates in this transformation of perspective into being. In liberal regimes, law is a particularly potent source and badge of legitimacy, and site and cloak of force. The force underpins the legitimacy as the legitimacy conceals the force. When life becomes law in such a system, the transformation is both formal and substantive. It reenters life marked by power.^{liv}

If gender hierarchy is constructed, perpetuated, and legitimized through the state which protects

industries, like pornography, that perpetuate the objectification of women and their material and social oppression, then the only way to resist such a hegemony is to effectively undermine the system by changing the application of the law in a way that challenges the theory of the law which questions the underlying theoretical construction of the state. This means having individuals that are conscious of gender hierarchy acting to challenge the objective liberal stance of the law in such a way as to provide a jurisprudence that effectively creates change in the interpretation of what freedoms and constraints individuals have. A good example of this sort of action is the Minneapolis and Indianapolis anti-pornography ordinances of the 1980's. In these cases, the municipalities were brought ordinances by MacKinnon, Dworkin, and other concerned citizens. These citizens rallied together to propose a change in the legal status of pornography for these cities, i.e. the criminalization of pornography. This change would embody a resistance against gender hierarchy, and the achievement of that goal through consciousness raising and feminist jurisprudence. If the ordinances had not been overturned or similar activism had taken their place then the jurisprudence would have become internalized and act as a catalyst for individual resistance. The result of this resistance would be a solution to the Kantian sex problem. If the systematic Kantian sex problem is caused by the context of society, i.e. gender hierarchy, and that context changes, as expected from a feminist jurisprudence, then the systematic sex problem should be removed.

The Individual: Consciousness and Resistance

There are two problems with MacKinnon's account of the problem of objectification and its solution. The first problem is that MacKinnon's systematic view of the sex abandons the individual to the whims of social pressure without the possibility of conscious resistance. The

second problem is that MacKinnon's solution of consciousness raising leading to revolutionary changes at the level of jurisprudence does not effectively answer the question of what the mechanism of consciousness raising is. I will address each of these in turn and show that despite the fullness of MacKinnon's theory, it fails to adequately solve the Kantian sex problem.

The first problem is concerned with MacKinnon's interpretation of agency. MacKinnon appears to be claiming that a certain set of social pressures limit the actions of humans to such a degree that without changing the social system that is in place one cannot allow for a truly free person. This is indicated by MacKinnon's belief that the Kantian sex problem is a systematic problem. Since all men have some sort of power over all women, then there is reason to think that they could never recognize a woman as having full subjecthood. This is because power, for MacKinnon, is the ability to shape the social or material reality of a person. As men have the ability to control or dominate women then they have a certain type of power. This is the same power that the liberal state has over its citizens. This sort of power results in the inability of the powerful to treat the oppressed as fully human or as true ends in themselves. MacKinnon's theory removes the ability of individuals to act as free agents. The problem with this is that either there is no Kantian style problem because the actors are not free agents, or MacKinnon's theory is too bold and asserts a sort of inertness to people as merely being present in a system of gender hierarchy. If the first proposition is true then the world is in a sort of deterministic state, but if the second proposition is true then MacKinnon's theory of the individual within society is incomplete or somehow skewed by her macro level focus. In MacKinnon's theory the impact of the social is so complete that:

...men author scripts to their own advantage, women and men act them out; that men set conditions, women and men have their behavior conditioned; that men

develop developmental categories through which men develop, and women develop or not; that men are socially allowed selves hence identities with personalities into which sexuality is or is not well integrated, women being that which is or is not integrated, that through the alterity of which a self experiences itself as having an identity; that men have object relations, women are the objects of those relations; and so on.^{lv}

I tend to believe that the problem is that MacKinnon has failed to fully account for the individual. Her view of the workings at the systematic level failed to account for individual resistance or even the range of various conscious states that the agents within a gender hierarchical society could possess. This is because MacKinnon sees individuals as part of the system of gender hierarchy, rather than in a dialogue with that system at the level of their own decisions, thoughts, and attitudes.

This leads to the problem of consciousness raising. In MacKinnon's original account, people become feminist actors through consciousness raising. This seems to occur when people come together and develop a sort of group awareness of the reality in which they live, However, there is no real mechanism for how this occurs in MacKinnon's seemingly deterministic view of society, and there is no explanation for how anyone began questioning the seemingly complete and total control that men have over women within society. This problem relates back to MacKinnon's lack of consideration of the internal mental life of individuals and how this interplays with the massive social systems of her theory. In order for MacKinnon to offer a complete theory of gender hierarchy and sexual objectification, she would have to account for individual nuance and resistance while offering a more detailed explanation of the mechanisms of consciousness raising and internalization. If the internal part of individuals is left out of this sort of moral theory then the theory will fail to fully consider the agency of these individuals and how they interact with the external world (i.e. the nuanced give and take relationship of

internalization and resistance).

Nussbaum and Langton

The feminist philosophers Martha Nussbaum and Rae Langton are the contemporary heirs to the arguments of Dworkin and MacKinnon. They differ in the results of their approach, but both of these writers make use of analytic philosophy in their consideration of sexual objectification. Nussbaum's externalist approach builds off of the idea of context that Dworkin and MacKinnon use in their analysis of sex as microcosm of gender hierarchy. In contrast, Langton's internalist argument builds off of Dworkin and MacKinnon's discussion of the internalization of societal pressures. As analytic philosophers, Nussbaum and Langton share the common criticism of Dworkin and MacKinnon that they fail to adequately define sexual objectification, and in doing so, fail to provide a complete analysis of the nuance of objectification. This thesis will first turn to Nussbaum's arguments, then Langton's, and conclude with a criticism of both.

As Nussbaum claims in *Sex and Social Justice*, “..we are going to be at least as interested in the treatment that is denied to persons as in the treatment that is accorded them.”^{lvi} In examining objectification, it is important to understand how one objectifies a person, but it is also important to understand how one treats a person appropriately. In this way one can determine the difference between being treated as an object and being treated as a subject. This difference highlights moral importance of the object status forced upon free and rational agents. It will show what important parts of the human experience are denied by treating people as objects. When defining objectification Nussbaum says, “I suggest that in all cases of

objectification what is at issue is a question of treating one thing as another: One is treating *as an object* what is really not an object, what is, in fact, a human being.”^{lvii} The central issue between these two points becomes, in what ways should people be treated and in what ways are they treated when they are objectified. Nussbaum's work suggests that objectification is a multifarious concept and can be imagined in a number of interconnected but rationally distinct ways.

When she is defining objectification Nussbaum offers this list²⁸:

1. *Instrumentality*: The objectifier treats the object as a tool of his or her purposes
2. *Denial of autonomy*: The objectifier treats the object as lacking in autonomy and self-determination
3. *Inertness*: The objectifier treats the object as lacking in agency, and perhaps also in activity
4. *Fungibility*: The objectifier treats the object as interchangeable (a) with other objects of the same type and/or (b) with objects of other types.
5. *Violability*: The objectifier treats the object as lacking in boundary integrity, as something that it is permissible to break up, smash, break into
6. *Ownership*: The objectifier treats the object as something whose experience and feelings (if any) need not be taken into account
7. *Denial of Subjectivity*: The objectifier treats the object as something whose experiences and feelings (if any) need not be taken into account^{lviii}

In her chapter “Objectification” she goes into considerable detail about how each of these ways of objectifying another person can occur and considers what, if any, harm²⁹ occurs to one's humanity as a result of being treated in this way. In her analysis, the most troubling of these types of objectification is instrumentality. Instrumentality, she claims, seems to almost always lead to an unwanted denial of autonomy and subjectivity within adults. The act of treating someone as an instrument is the central idea of use within Kant's ethical theory (treating people as merely a means). It is not necessarily evil, but it seems that if someone is ever immorally objectified then they are at least treated instrumentally. Instrumentality is particularly

28 Nussbaum claims that this list is not exhaustive and that more work must be done.

29 Harm as I am using it here and as Nussbaum uses it in her paper is talking about moral harm to a person's humanity. This clarification is important for keeping the concept of harm within a Kantian moral framework and not bleeding into a consequentialist ethical theory.

problematic if the objectified person is treated as merely or solely as an instrument.^{lix} The particularities of the analysis of each of these types of objectification is interesting, but the primary feature that is of concern for this thesis is how these different forms of objectification achieve their moral status, and Nussbaum seems to suggest the answer is the same across the board for each of these types of objectification. The thesis of her chapter “Objectification” is, “Under some specifications, objectification...is always morally problematic. Under other specifications, objectification has features that may be either good or bad, depending on the overall context... Some features of objectification... may in fact in some circumstances...be either necessary or wonderful features of sexual life.”^{lx} If Nussbaum believes that every form of objectification, including the scrutiny evoking instrumentality, can become a necessary or wonderful part of sexual life then one must ask what factor changes the morality of the same type of action. The answer seems to be, as Kant, Dworkin, and MacKinnon suggest, the context in which the act occurs. Nussbaum's variety of context-sensitive moral theory, however, differs greatly from all of those proposed by these other theorists.

Nussbaum rejects Kant, Dworkin, and MacKinnon because of their inability to fully grasp the importance and nuance of context in cases of sexual objectification. She seems to agree with Kant that the relationship between the sexual actors is important in the moral judgment of objectification, however, Kant's solution of marriage to contractually maintain mutual respect between the parties having sex is rejected. This is because it fails to account for larger social pressures and the problem of marriage as a construct of gender hierarchy. Kant's solution also fails to allow the act of sex to be morally acceptable even after marriage, instead it only makes it a tolerable transgression.^{lxi} Nussbaum agrees with Dworkin and MacKinnon when she claims,

“...we need to be able to ask how our judgments of the cases [of sexual objectification] are influenced by larger issues of social context and social power.”^{lxii} Each act of objectification occurs against the backdrop of social forces. Nussbaum seems to support the analysis of sexual objectification in terms of gender hierarchy per Dworkin and MacKinnon, but she also seems to think that there is another layer of consideration that is important. Nussbaum seems to suggest that Dworkin and MacKinnon have the opposite problem of Kant in that they focus too much on the macro level processes of gender hierarchy. Instead of opting for either of these solutions, Nussbaum would prefer to examine the context of each individual relationship within the greater context of gender hierarchy. This would allow for her to account for personal resistance against gender hierarchy at the level of personal sexual relationships and still consider the influence of macro level social forces. Nussbaum says:

...In the matter of objectification, context is everything. MacKinnon and Dworkin grant this when they insist, correctly, that we assess male-female relations in the light of the larger social context and history of female subordination and insist on differentiating the meaning of objectification in these contexts from its meaning in either male-male or female-female relations. But they rarely go further, looking at the histories and psychologies of individuals... In a sense the fine details of context are of little interest to them, involved as they are in a political movement; on the other hand, they are of considerable interest to us, for I shall argue that in many if not all cases, the difference between an objectionable and a benign use of objectification will be made by the overall context of the human relationship in question.^{lxiii}

In this quote Nussbaum's Kantian distinction between being treated as an object and being treated as *merely* an object seems to come out. The consideration of context is important for understanding whether the act of objectification occurs within a general appreciation of the objectified person's humanity, or if the act of objectification occurs in such a way as to deny that humanity by treating the person as merely an object. Nussbaum seems to think this distinction is

not made from the beginning of a sex act, as Kant seems to, but that it occurs before and after the act as the context by which it gains its moral value. Nussbaum's theory allows for sexual objectification to be acceptable in cases where the person's humanity is fully recognized. This allows her to maintain a Kantian ethical theory, but reject many of the claims that have been made about sex.

As Nussbaum says, "In each case, a human being is being regarded and/or treated as an object, in the context of a sexual relationship."^{lxiv} This is what makes an act one of sexual objectification, however, it is the context of the sexual relationship that makes the objectification morally acceptable or not. This nuanced externalist analysis of the problem of sexual objectification seems to be the best possible way of dealing with the external factors, like context, of sexual objectification, however, it also seems to fall short of being a complete theory. The focus Nussbaum has on the relationship between the two people fails to account for the internal dimension of the acts of objectification. One objectifies someone when one treats them as an object, but if these acts are changed by context then it seem likely that they are also changed by attitude. I could have a seemingly loving relationship with my lover, but then I could think to myself about how much I use her for my own pleasure. This attitude about my action would alter its moral character within a Kantian framework even if the context was humanity affirming. This is because for an act to be morally good it must be done with a good will. One must act with the correct intention because the act is defined by its intention. For instance, if I give you a weapon for free so that you might kill yourself then my ill intention makes my act an evil act.

Rae Langton attempts to expand Nussbaum's theory and shifts her focus from context and

personal relationships to psychological states like the attitude of solipsism. In responding to Nussbaum's work, Langton says, "I take this to be a particularly helpful proposal about what 'object' amounts to, in the notion of 'treating as an object', and this is, in my view, at least half the story. The other half, as we shall see, rests not on what an 'object' *is*, but on what 'treating *as*' amounts to."^{lxv} In this claim, Langton refers to Nussbaum's project of finding objectification by considering how objects are treated and defined by this treatment. Langton desires to look at how we define 'treating' and what this definition does to the relationship that Nussbaum has begun exploring. Langton believes that one can treat someone in a way passively or actively and via act or attitude. The concept of treatment leads Langton to expand Nussbaum's initial list of manners of objectification and define the different ways in which the act of treating alters the way by which each manner of objectification obtains (i.e. actively, passively, via attitude, or via action)³⁰. This conception of treatment is central to Langton's response to Nussbaum and will be the basis for the development of her theory of sexual solipsism. Langton says:

Teasing out a plurality of features associated with objecthood is, I suggest, only half the task. In this idea of 'treating someone as an object', we need to look not only at the notion of an object, but also at the notion of *treatment*. Here too we confront a plurality, albeit a different one. 'Treat' is a wide-ranging verb that has so far been functioning as a dummy, standing in for a host of different attitudes and actions. 'Treating' may be a matter of attitude or act: it may be a matter of how one depicts or represents someone, or a matter of what one more actively

30 Langton's expansion to Nussbaum's list includes: *Reduction to body*: one treats it as identified with its body, or body parts. *Reduction to appearance*: one treats it primarily in terms of how it looks, or how it appears to the senses. *Silencing*: one treats it as silent, lacking the capacity to speak. (2009, 228-229)

does to someone.^{lxvi}

Langton's claim can be broken down into a number of salient claims about treatment. The first claim is that the verb treat can be understood as an attitude or action taken towards someone. One can treat a woman as an object by understanding her to be his property regardless of his actions towards her. In contrast, one can treat a woman as an object through an action like date rape, but hold the attitude that she wanted it and his action was consensual. In both cases there is a sort of reduction of the woman's humanity, but cases like the latter have traditionally drawn the most attention in feminist theory. The internalization of objectifying attitudes towards women, however, is a significant problem that results when gender hierarchy becomes internalized and it can change the nature of our actions from good or wanted to evil, controlling, manipulative, and/or deceptive. This concept of attitude will be explored further when sexual solipsism is discussed.

Treatment, for Langton, can also be active or passive. One treats actively when one does something to someone and one treats passively when one denies something about the person being objectified. Actively, I can enslave a person and treat them as an instrument for my purposes. Passively, I can deny that a person who works for me is anything besides a force of production and in this way reduce them to merely an instrument. In addition to the active/passive divide, there is also the possibility of objectification via representation or depiction. This would be the issue central to pornography, literature, and policy decisions. When one represents a group of people as objects in any of the ways offered by Nussbaum or Langton then one is objectifying that group. The representation of women in pornographic magazines is a form of treatment as an object because it treats women, as a unified group, as though they are sexual objects for male use

and the male gaze. The reduction to object status in representation can function as a sort of education³¹ for the masses.

In each of these understandings of 'treatment' the sharpened definition is one which becomes morally relevant. It is because of this that treatment becomes a central concern for Langton and for sexual objectification. Perhaps the most curious thing about treatment for Langton is that the active violation of one's personhood (treating actively as an object) requires that one recognize the personhood of the person in order to reject it. If one did not recognize the full humanity in a person then one would only incidentally (treat passively as an object) reduce someone to an object.^{lxvii} If one considers the case of rape, the desire to dominate the will of another person requires the rapist to admit to the victim having a will. If the rapist did not admit to the other person having a will then the act of forcing the victim to do something against her will would become impossible. The act of domination requires a deliberate violation of one's personhood and therefore the treatment of that person as an object.

The complexities of treatment exist outside of the context-sensitive approach of Nussbaum and require a consideration of the attitudes and intentions of the agents objectifying. Active violation, for instance, requires an acceptance of personhood in order to deny it. In contrast, the passive act of not recognizing someone's personhood means that one cannot have an attitude or intention about the action, the objectification must be merely incidental. This way the morality of objectification moves from merely the way in which one becomes object-like to how one treats someone as an object. This initial movement from context to psychological states allows for a transition from the externalist approaches to Langton's own internalist approach.

31 This is especially relevant in terms of Bourdieu's theory that education begets and preserves hegemony by being the primary point of contact with culture. See his essay "Systems of Education and Systems of Thought," *International Social Science Journal* 19 (1967).

After Langton's critique of Nussbaum's argument, she offers her own theory of objectification as it relates to attitudes and psychological states. This theory is based off of a thought experiment concerning solipsism. In this experiment, one must imagine two worlds; a world in which solipsism is true, but the actor thinks it is not and the reverse world. In the first world, the actor treats a number of things (automatons that resemble people) as though they are people, and in the second, the actor treats a number of people as if they are things (automatons).^{lxviii} The former attitude seems bizarre, but is not morally significant (like talking to an ashtray). The latter attitude, however, seems morally problematic because it denies the person his status as an end in himself. This rejection of the person's subject nature seems unwanted and morally harmful. This is the beginning thought experiment which Langton uses to set the stage for her internalist theory.

Solipsism can be either a metaphysical reality (there are no other subjects) or dispositional (I treat others as if they are only objects and not subjects).^{lxix} One of the main goals of most philosophy since existentialism is to reject this claim to solipsism. The philosopher desires to win back reality metaphysically and dispositionally to act as a moral agent. The latter is of particular concern for the project of this thesis and for Langton. She says, "If one is to avoid the solipsistic worlds, some of the beings with whom one interacts must *be* people (not things); and one must *treat* them as people (not as things)."^{lxx} Since there is a problem with the knowledge of other minds and the sureness of the existence of other subjects, there is no way to fully reject the skeptical solipsist claim that there are no other people in the world. This rejection, however, is of little importance morally. If the solipsist is right, then the act of being a moral agent is akin to talking to ashtrays, however, if the solipsist is wrong then the act becomes an act

of evil against humanity and particular people. This being said, the most rational choice is to reject the dispositional claim of the solipsist before the metaphysical claim is answered.

Therefore, one must change his attitudes towards people so that he always recognizes them as subjects and not as objects and in so doing avoid sliding into a solipsistic attitude.

Langton puts the discourse about solipsism within the framework of sexual objectification when she says, “Among these local versions of the global solipsisms with which I began are two that have a sexual aspect. In the first, someone treats a thing as a human being, in a context that is sexual; in the second, someone treats a human being as an object, in a context that is sexual.”^{lxxi} The first of these sexual solipsisms is how one would understand the treatment of pornography and the second is how one would understand the treatment of a woman as merely a means to pleasure in intercourse. To hold this solipsistic attitude towards women is to see women as mere automatons. As Langton claims, “To be an object on this picture, is to be a natural phenomenon: something which is not free, something whose movements could be explained and predicted by science, something whose movements are not determined by reason and choice.”^{lxxii} This describes the automaton image common to solipsistic views in which all people function as automatons governed by physical laws and lacking consciousness. If this is addressed in terms of what has been determined so far by Langton then a merger between the inquiry on treatment and the solipsistic attitude begins to come into focus. The treatment of a person as an object (objectification) is dependent on holding a particular attitude or intention relative to the person being objectified. In having this psychological state, the objectifier begins to alter the moral nature of all of his actions by having good or ill intentions. The solution to the problem of sexual objectification for Langton is solved by merging context with psychological

states.

Nussbaum and Langton both make great strides towards developing a more complete theory of sexual objectification, however, the results they each reach seem to fail to fully account for a number of factors. I agree with Langton, that Nussbaum's primary weakness is the lack of consideration towards attitudes and intentions as part of the moral nature of acts of objectification. This weakness of Nussbaum's is many ways complimented by Langton's own weakness. Despite developing an internalized theory of sexual objectification, Langton fails to properly engage with questions about whether mental states are merely sufficient, necessary, or jointly necessary and sufficient in the consideration of whether an act of objectification is morally permissible. Langton also doesn't consider in any length the possibility of internalization and the idea that social and historic forces create the attitude towards women, apart from her consideration of porn and the sexualization of objects of representation. The divide between internal and external styles of approach also seems to be an error in thinking. The context of the relationship seems to interact on some level with the psychological state of each actor. This interplay seems just as important as the external and the internal factors themselves.

The final chapter will more fully develop the ideas of internal factors in the process of objectification and how this interacts with the macro and micro level context of sexual acts. This theory will take the best points of Dworkin, MacKinnon, Nussbaum, and Langton and merge them into a solid Kantian framework to provide a meso theory of sexual objectification. This theory will provide enough nuance to Kant's strict deontology so as to allow for respectful casual and loving intercourse that does not violate the right of free and rational agents to be ends in themselves.

Reinterpreting Objectification

Since Kant posed the problem of sexual objectification in his ethical treatises, many feminist writers have engaged in a discourse about the meaning and extent of this problem. Andrea Dworkin and Catharine MacKinnon have come to understand sexual objectification as a perversion of the normal recognition of humanity in other people. Particularly, they have understood objectification as the central most problem of gender hierarchy. It is the process by which women lose their human quality and are reduced to objects for and of sex. This reductionist conception of women is the basis for all the violent acts against women perpetuated by gender hierarchy. They see the primary tool of this as pornography. A tool which creates an embodied practice, a tool which internalizes the superstructure of gender hierarchy within men and women alike; this analysis has leads to a strong feminist response to the Kantian problem. However, many have found the focus of Dworkin and MacKinnon's work to be too narrow and incapable of fully understanding the actual sexual lives of many people who seem capable of resisting the superstructure of gender hierarchy.

Martha Nussbaum's essay *Objectification* has become one of the most important pieces of contemporary feminist writing. It is a philosophical rejection of Dworkin and MacKinnon's rather bleak analysis. Nussbaum insists that objectification *can be* a wonderful part of sexual life, but that there are conditions which must be met. Her analysis rests on the position that at the level of actual human relationships there is a possibility of mutual surrender between sexual partners; a surrender which allows both sexual actors to give up their boundaries as subjects (this is similarly reflected in Dworkin's *Intercourse*). This release of personal boundaries allows for the development of meaningful human relationships that are based upon a sort of transcendent³²

32 The word 'transcendent' here can indicate a sort of spiritual trust in the other person or something akin to

trust. For Nussbaum this trust is what makes particular sexual relationships, and perhaps love, a recognition of the true subject nature of another person. A recognition that goes beyond the basis of Kant's treatment of all people as ends, a treatment which allows one to share her humanity with another person and simultaneously be rewarded with the sharing of the lover's humanity in return. In this way Nussbaum rejects Kant's notion that our sexuality removes us from our humanity, arguing that it *can* be a force which allows us to recognize our human nature and the human nature of others at an entirely different level.

However, despite her allowances for the subtlety and nuance of context in sexual relationships, Nussbaum does not account for the internal psychological states of attitudes and intentions. She defines the moral quality of an act of objectification solely on how the sexual actors stand in relation to one another. This fails to account for the intentions which shape the nature of our external actions. It ignores the role of the good will within Kant's moral theory. No act can be judged independent of the will of the actor. The beliefs one holds as one acts define the act.

This brief analysis of Nussbaum's perspective seems to show the need for a theory that can consider not only the influence of superstructure and personal context, but one which considers the will of the actors. This demand both tightens the argument for nuance and better frames the analysis of sexual objectification within the larger Kantian ethical framework. This need for internal consideration becomes the object of study for Rae Langton. Langton entertains the moral conundrum of sexual objectification in a thought experiment that approaches morality from the extreme of solipsism. This experiment examines the analysis of attitude and intention as central features of objectification. It does so by starting from the extreme possibility that,

Kant's conception of friendship.

perhaps, no one is actually deserving of moral respect. Langton considers the role of moral attitudes in a world in which all people besides the actor are automatons, but the actor has the epistemic limitation of not knowing the truth value of this claim. Langton believes that even if all people were objects, there would still be a duty, based on epistemic limits, to treat them as subjects. The point of this experiment is to show that even in the most extreme of moral circumstances, there is still a duty to act in a way that affirms the humanity of other people. This position is taken as a point by which to consider the role of attitudes in morality from at a theoretical level, however, the transition from the theoretical to the practical is short and effective for Langton.

In terms of our treatment of others as sexual objects, the factor which defines our objectification is our attitude towards these people. The notion underlying Langton's suggestion seems to be that the difference between the treatment of a person as a means and merely a means is psychological. This is because the treatment of the other as a person depends on recognition of their humanity within my actions. Recognition in this sense results from, and perhaps is limited to, a psychological state held in relation to a target agent (the target agent in this case being the target of sexual activity). This seems to be the central problem of most theories of objectification within the feminist tradition. There is an equivocation of objectification and denial of subjecthood. In terms of the Kantian framework, however, objectification is morally acceptable so long as it does not lead to the denial of the subjecthood of the person being objectified (this would obviously hold true in cases of self-objectification as well).

This important distinction that underlies Langton's work and her focus on psychological states indicate a progress to a near complete theory of sexual objectification. The problem lies in

her analysis lacking a conception of internalization and the relationship that develops between external and internal factors. There seems to be a dichotomy that has developed within these theories that has lost sight of the interplay between external and internal forces. The search for nuance in external and internal factors of sexual objectification has lost one of the most important contributions of Dworkin and MacKinnon, the contribution of internalization.

The problem with pornography was not that it displayed abhorrent sexual acts, but that this display internalized the attitude of objectification among the masses, particularly men. This analysis is short sighted in its assumption of the automatic influence of internalization, however the suggestion that there is an interplay between the internal and external forces that play on our moral actions seems to be both correct and salient. The theory that this thesis offers will account for the influence of macro and micro level context, psychological states, and the interplay between these forces on the moral value of acts of sexual objectification.

This theory begins with an important historical rejection of a carry-over from the enlightenment thought of Kant. Kant seems to believe, as many enlightenment thinkers did, that the body is somehow unimportant and unwanted in the analysis of truth and goodness. The body was considered an alien force asserting the will of the passions against the rational mind³³. This rejection of the body from conceptions of the self seems like the first grave misstep in analyzing sexual objectification. If one begins an analysis of humanity by rejecting the body and the self as interconnected with that body then one misses out on part of what it means to be fully human. The full recognition of a meaningful human life depends on having a relationship with one's body rather than a denial of the body's importance. The body is socially constructed and exists within socially defined space (i.e. gender, race, sex, etc.). This social construction becomes

33 This is apparent in Kant's discussion of sexual desire in the *Lectures on Ethics*.

internalized into a sense of self. The self is then socially constructed and embodied. If one does not account for this embodiment of the self and instead rejects the physical portion of the self then one fails to truly account for the human condition. When Kant rejects the sexual self then he is rejecting part of what it means to be a human subject and partially what it means to be an end in oneself. If it is true that the body and our relationship to the body play an important role in ethical thought, as I think they do, then this must be accounted for in an analysis of sexual objectification.

To illustrate the importance of the body, recognition, respect, and reciprocation I will analyze the following three cases.

1. The case of Eric and Donna from *That 70's Show*.
2. The case of Hartigan and Nancy from *Sin City*.³⁴
3. The case of Holden and Alyssa in *Chasing Amy*.³⁵

Each of these cases will highlight a different type of relationship and circumstance within which objectification occurs. These examples will be referred to throughout the rest of this chapter and used to examine different parts of this theory of sexual objectification.

In the first case, Eric and Donna have known each other all of their lives, but have never dated. They flirt casually about sex with Donna telling Eric, “You could have had me when I was four.” Donna's seemingly innocuous comment reveals a sort of ongoing sexual tension between herself and Eric, a sexual tension that is held in check by a lifetime of meaningful friendship.

This is the first indication that Eric and Donna have a friendship that is marked by mutual respect. Eric finds Donna romantically attractive, but holds back his feelings to avoid risking the

34 Text for the quotes from *Sin City* are taken from “Sin City Quotes,” *Internet Movie Data Base*, accessed August 6, 2014. http://www.imdb.com/title/tt0401792/trivia?tab=qt&ref_=tt_trv_qu.

35 Text for the quotes from *Chasing Amy* are taken from “Chasing Amy Quotes,” *Internet Movie Data Base*, accessed August 6, 2014. http://www.imdb.com/title/tt0118842/trivia?tab=qt&ref_=tt_trv_qu.

destruction of their meaningful relationship. Similarly, Donna tells Eric that she wants him sexually while not forcing or using him to satisfy these desires.^{lxxiii} This initial interaction in the first episode of the series shows the context and intentions of both Eric and Donna. They have a mutual sexual attraction that results in objectifying desires and intentions, the use of the other as a sexual means to an end, but they initially restrain their sexual desires because of their concern about one another as ends in themselves.

Despite the amiable relationship between Eric and Donna, there is always a background of gender hierarchy in the show. In the episode “Battle of the Sexists,” Eric and Donna have an argument about Donna's ability to beat Eric at basketball and other games. The argument escalates between the two as various other characters comically reinforce gender roles. The most obvious reinforcement comes from Kelso and Jackie when Kelso argues that his ability to use Jackie as a sexual object makes him more manly than engaging her about boundaries.^{lxxiv} This shows a subversive instantiation of gender hierarchy wherein masculinity is secured by taking women as objects and not engaging them as fully human. This sort of treatment is contrasted by Eric and Donna who resist prescribed gender roles and address their issues as equal persons. The result is that Eric and Donna have the ability to function at a personal and nuanced level that is resistant to the larger social order. This is further reinforced throughout the series at large as Donna continuously rejects traditional femininity.

As the show continues, the context of gender hierarchy is reinforced and feminist concerns are often turned into a joke (i.e. Midge's feminist night classes).^{lxxv} The presence of this context shows how the sitcom is representative of contemporary American culture. However, despite being situated within contemporary American culture, *That 70's Show* offers an example

of resistance against near ubiquitous gender hierarchy. When Eric and Donna finally decide to have sex it is juxtaposed against the marriage of Donna's parents. In "The First Time," Midge and Bob ask Donna to write their wedding vows for their second marriage. Donna struggles with the task because she fails to see any love existing between her parents. She finally writes the vows as a representation of the love her and Eric share for each other. The reading of these vows spawns a moment of intense intimacy between Eric and Donna, and results in their first act of sex.^{lxxvi}

Eric and Donna's first act of sex is an act of intimacy and not an act of sexual use. Neither participant is using the other merely as a means to an end. They seek pleasure from each other, but they do not discard one another after their desires are sated. This is an immediate rejection of Kant's theory that any act of extramarital sex results in the use of a person as merely a means and not as an end in herself. It also happens within the context of gender hierarchy, but with an awareness of the injustice of that arrangement. Eric and Donna see gender hierarchy modeled in their parents and friends, but they do not imitate it. Instead, they reject gender hierarchy and the framing of Donna's identity as an object of sexual conquest (gender female). This means two important things: Eric and Donna can resist the macro context of their interactions, and *That 70's Show* represents that sort of resistance despite being produced within a gender hierarchical society. This means that Eric and Donna's relationship models an important interplay between recognition, respect, and reciprocation.

Eric and Donna recognize their humanity in one another as part of their on-going relationship. They have been friends since they were young children, and from this friendship they began to date as an expression of their budding romantic love for one another. This love

becomes the context of their personal relationship and defines their individual interactions. Beyond the personal, Eric and Donna recognize their position relative to the social order of things. Eric refuses to see Donna as traditionally gender feminine by embracing her strength and independence rather than presuming her submission. The two craft their relationship in constant resistance to prescribed gender roles and with the intention of recognizing each other as the individuals that they are. There are times when this is a struggle, but overall the recognition of each other's personhood is contextual at both the micro and macro level.

The recognition of the mutual personhood of Eric and Donna is supplemented by mutual respectful treatment. Eric and Donna respect each other by treating one another as fully human- i.e. recognizing, understanding, and promoting each other's desires, dreams, and identity. In addition to respectful behaviors, like not purposefully losing games, breaking up for a lack of immediate sexual satisfaction, and being committed to each other's emotional welfare, Eric and Donna also share respectful attitudes. The show gives ready access to Eric and Donna's thoughts and these thoughts are almost always populated with concerns about the other person and a desire to understand their perspective. These behaviors and attitudes are a paradigm example of respect.

Reciprocation permeates the other two criteria, but is especially apparent in Eric and Donna's desire to not have sex until they are both ready and to have sex that they both enjoy. Eric's restraint of his sexual desires until Donna initiates the sex shows that he is not acting unilaterally to fulfill his sexual desires. This is then further supported when in "Afterglow" after the two have sex, Eric and Donna openly discuss their desire to have sex that they both enjoy when they are both comfortable with the idea.^{lxxvii}

Eric and Donna's fulfillment of these three criteria show that sexual intercourse does not necessarily lead to the treatment of a person as a mere means to an end. Eric and Donna treat each other as fully human before, during, and after sex. This seems to support the idea that one can resist the macro level context of gender hierarchy by actively resisting its objectification of women. It also shows that individuals can resist by crafting a personal relationship built on shared behavioral and attitudinal treatments of one another.

Among the myriad of stories that compose Frank Miller's 2005 film *Sin City*, the story of detective Hartigan and Nancy Callahan is the most interesting for a study of sexual objectification. Where *That 70's Show* rejects Kant's claim that sex cannot be an act that recognizes the humanity of another person, *Sin City* shows that the drive for sexual desire can be resisted when one recognizes the humanity in another person. Between these two cases it becomes clear that sexual desire is not as powerful as Kant claimed, and that people could keep their faculties even when sexually objectifying another person.

Hartigan is a detective in Basin City, the fictional setting of *Sin City*. It is a town filled with corruption, crime, prostitution, and violence. The story opens with Hartigan contemplating his coming retirement and his final case of a menacing pedophile. He is presented as a rough around the edges do-gooder who has a family waiting for him. Hartigan abandons his partner and back-up to confront the pedophile, Roark Jr., and save the eleven year old Nancy Callahan. Immediately after disarming Roark Jr. by taking his gun and his genitals, Hartigan is betrayed and imprisoned for the crime of raping Callahan. He is imprisoned for eight years where his only contact with the outside world is through the letters written to him by Callahan as she grows up. Eventually the letters stop and Hartigan is confronted by a foul smelling stranger who knocks

him out. Upon awaking, Hartigan discovers the severed finger of a 19-year-old girl who he can only assume is Callahan. In an effort to save her one last time, Hartigan confesses to the rape and is released for time served. He seeks out Callahan who greets him with an intimate kiss. Upon being reunited, Hartigan thinks to himself how much Callahan has grown and how she has become a woman. Amidst their reunion, Hartigan and Callahan are pursued by several gangsters and forced to hide out in a motel. Once there, Callahan tries to seduce Hartigan by telling him how she has only ever loved him. Hartigan walks away for a cold shower to ease the tension, only to be knocked unconscious and left to die. The story concludes with him hunting down Callahan and Roark Jr., the foul smelling man. Hartigan kills Roark Jr. out of rage and states his love for Callahan one last time. He then kills himself to keep the gangsters from targeting him through Callahan.^{lxxviii}

Hartigan and Callahan's story is interesting because Hartigan's treatment of Callahan is juxtaposed with Roark Jr.'s treatment. Hartigan first recognizes Callahan as a child that needs to be protected from Roark Jr.'s sexual objectification, while Roark Jr. sees the eleven year old Callahan as an appropriate sexual object for his conquest, as he tortures and rapes his victims. Then after eight years, Hartigan sees Callahan as a sexual object when he runs into her as a 19-year-old stripper, but because Hartigan still sees her as the child he saved he still views her as fully human. It is this recognition of her personhood that drives Hartigan to resist her sexual advances despite his sexual objectification of her as a grown and filled out woman.^{lxxix} Roark Jr. rejects her personhood and even resents her for no longer being a child. In this comparison it is clear that Hartigan can see Callahan as a person while still identifying her as a sexual object, but also that Roark Jr. can only see her as an object of sexual desire.

Hartigan's respect for Callahan is shown in his constant admission of loving her and rejecting her sexual advances. He never seeks to use Callahan as a means to his own sexual desire, but instead seeks to treat her as a person with her own life to live. He tries to give her the tools to live her life by killing off her tormentor and by killing himself to set her free. Roark Jr. treats Callahan with nothing but disrespect. He kidnaps and tortures her twice, and uses her merely as a means of sexual pleasure when she is a child and merely as a way to get to Hartigan as an adult. Callahan is never treated as a person, but instead as merely an object to be used for Roark Jr.'s changing needs.

Reciprocation between Hartigan and Callahan comes in the form of their shared love for one another. They both seem to have a deep affection revealed by their actions and thoughts, but this love is one that moves Hartigan to reject Callahan's sexual advances as much as it moves Callahan to make them. Roark Jr. cannot enter into any form of reciprocation with Callahan because he cannot see her as an autonomous subject.

Sin City offers an interesting comparison between resistance to and complacency with gender hierarchy. Hartigan constantly strives to recognize Callahan's humanity, while Roark Jr. constantly works to undermine it. It shows the possibility for love to be a force that overwhelms sexual urges and helps people to become conscious of the humanity of others. It also shows that people are fundamentally complex and that they cannot be defined as being merely lustful or merely loving. People have a variety of attitudes towards others at any given time, but the question is whether these attitudes allow them to recognize the humanity of another person or to recognize that other person as merely a means to their own personal desire.

While *That 70's Show* exemplifies the moral value of intimate extramarital sex and *Sin*

City shows the ability of a man to sexually objectify a woman while still respecting her as a friend and person, *Chasing Amy* is about the process of consciousness raising. *Chasing Amy* explores the relationship that develops between Holden McNeil and Alyssa Jones. McNeil is an average guy who is seen in the beginning of the film just looking for love, while Jones is presented as his love interest and an open Lesbian. When McNeil discovers that Jones is a lesbian he is initially irritated, but Jones pushes him to develop a friendship with her. As the friendship between the two grows, McNeil decides that he is no longer satisfied with being only friends. When Jones is confronted by McNeil she initially resists, but eventually gives in to McNeil's romantic advances. Once the couple get together McNeil finds out about Jones' sexual history. He finds out that she has been with multiple men and women, and decides to confront her about his discomfort. The two have a large argument that ends with both of the characters walking away. After receiving some advice from Silent Bob, McNeil tries to resolve his relationship issues with Jones, but finds that even at his best he is not treating her appropriately. The film concludes with McNeil coming to a sort of realization about the nature of his actions.

The macro level social context that sets *Chasing Amy* is the contemporary gender hierarchy of the United States. The movie has archetypical aggressive and sexually competitive men (Holden McNeil and Banky Edwards), women who are treated as sexual objects (Alyssa Jones, the lesbians at the Meow Mix bar, and Amy), and the effeminate and threatening homosexual men (Hooper X and to an extent Banky Edwards). These characters represent a set of typical gender relations within the social context, but the film challenges each of these relations with the development of the love story between McNeil and Jones.

In many ways *Chasing Amy* is about McNeil's growth as a character via his relationship

with Jones. When McNeil and Jones first hang out they see a couple making out on top of Edwards' car. Upon seeing the couple McNeil asserts, "You gotta respect that kind of display of affection, you know what I mean? Sure, it's crazy, it's rude, it's self-absorbed, but, uh, you know, it's love." To which Jones quickly disagrees.^{lxxx} McNeil's notion of love as being necessarily selfish, rude, and crazy reflects his belief that love is exemplified by passionate sex. Jones expands on her disagreement later in the park when she differentiates "fucking" as being sex without love.^{lxxxi} The open discussion about sex that ensues between McNeil and Jones both challenges McNeil's definitions of love and sex and his relationship with Jones. He goes from seeing love as a sort of infatuation with Jones to a sort of experience with her. He starts to shed some of his biases and opens himself up to new ideas, like that lesbians can have legitimate sex without a man involved. The evolution of his thoughts and his growing respect for Jones show her impact upon him as a catalyst of consciousness raising. She challenges McNeil's world view and in doing so helps him to see her as a full person.

Despite McNeil's progress, his consciousness raising is thwarted by his discovery of Jones' past sexual experiences with men. McNeil reverts to his former ideology of competitive masculinity and becomes threatened by the devaluation of his perceived conquest of Jones. McNeil channels his rage to confront Jones, reject her claims of love, and isolates himself from her. McNeil's rejection is not a testament to the inability of men to resist gender hierarchy, but the difficulty of resistance. Before McNeil abandons his progress in consciousness raising completely, he is offered advice from Silent Bob's story about "chasing Amy." Silent Bob tells him that he once fell in love with a girl named Amy, but that he broke up with her over her past sexual experiences. Silent Bob then concludes his story by saying:

It was a mistake. I didn't hate her. I wasn't disgusted with her. I was afraid. At that moment, I felt small, like... like I'd lacked experience, like I'd never be on her level, like I'd never be enough for her or something like that, you know what I'm saying? But, what I did not get, she didn't care. She wasn't looking for that guy anymore. She was... she was looking for me, for the Bob. But, uh, by the time I figure this all out, it was too late, man. She moved on, and all I had to show for it was some foolish pride, which then gave way to regret. She was the girl, I know that now. But I pushed her away. So, I've spent every day since then chasing Amy... so to speak.^{lxxxii}

Silent Bob's story shows how the internalization of gender hierarchy can blind people to the personhood of others- i.e. McNeil's view of Jones and Silent Bob's view of Amy. The story about chasing Amy was also important for putting McNeil back on a path of consciousness raising. McNeil shifts away from his ideas of owning and conquering Jones to his ideas of building a relationship with her. In a final effort to get things to work between them he suggests that she agree to have a threesome with himself and Edwards. McNeil tells Jones that it would resolve the issues between him, Edwards, and herself. He tries to argue for his desire to move past her sexual experiences and to accept her as a full person. After Jones expresses her skepticism over McNeil's plan she tells him how much she loves him and says, "I love you, I always will. Know that. But I'm not your fucking whore."^{lxxxiii} Jones offers a final development in McNeil's consciousness raising by explaining to him that he cannot use sexual conquest or experience to develop respect for another person. This final realization leads into the film's conclusion where a year after this conversation McNeil reunites with Edwards and Jones. The reunion is marked not by sex or aggression, but by McNeil's recognition of both Edwards and Jones as full persons with their own lives and desires. The shift in McNeil's attitude from the beginning of the film to the end shows his growing resistance to gender hierarchy and his ability to see the humanity in

others beyond merely sex.

Chasing Amy shows the process of consciousness raising and how it relates to the model of recognition, respect, and reciprocation. McNeil's recognition of Jones' personhood occurs slowly throughout the film as a result of a constant questioning of his values by himself and by others- i.e. Jones, Edwards, and Silent Bob. This questioning leads to McNeil's epiphany that Jones is not only the object of his desire, but a person that has her own inclinations. This shifts McNeil's desire from having Jones to having an experience or relationship with Jones. The recognition of the humanity of another person requires an awareness of the inclinations, attitudes, and thoughts of that person.

Once McNeil recognizes Jones' personhood, he struggles to find ways to appropriately respect her as fully human. His attempt to share an experience with her through a threesome still left her as a mere object for him to use, but his ability to walk away and come back to her as a friend showed his ability to respect her choices for her life. This respect for Jones was hard to develop and required a change of McNeil's attitudes towards her and women in general.

For McNeil, reciprocation came in the form of his acceptance of Jones leaving. McNeil had to stop chasing after Jones so that he could finally reciprocate her love. He realized that his pursuit of her was its own act of objectification. The only way they could respect each other and themselves was for Jones to leave and for McNeil to stop chasing her.

Conclusion

Sexual objectification is many times more complex than Kant imagined when he wrote it away as a side thought in his treatises and lectures. It is not something that is always wrong, but instead an action that is filled with nuance that defines its morality. The best way to see if someone is treated immorally (merely as a means) or morally (both as a means to an end and as an end in herself) while being sexually objectified is to look for recognition, respect, and reciprocation. Recognition of another person's humanity requires an awareness of his or her personhood in spite of gender hierarchy or internalized oppressive beliefs. If one cannot recognize the humanity in another person then one cannot treat them as they ought to be treated. Respect requires a controlled behavioral and attitudinal response to someone who is identified as a person. It fails to occur when either behavior or attitudes treat that person in a way that denies their humanity, i.e. denies their own attitudes, desires, and thoughts. Reciprocation is met when people are treated by some person as they are treating them. This does not mean an eye for an eye, but to treat someone treating you as a lover, a stranger, or a friend with the appropriate amount of returned respect. If reciprocation is not present then the relationship becomes unjust because all parties are not being equally recognized and respected in their humanity.

This theory of recognition, respect, and reciprocation is designed to provide a nuanced perspective for judging interactions between different agents as just or unjust within various social frameworks. It is particularly apt for the Kantian sex problem, but should be able to be applied to questions of race, class, or any other suspected case of othering. This thesis is not able to fully address the range of issues this theory can approach, nor is it capable of grounding itself effectively in a broader literature. The limits of this research have left many of the examples and

theoretical discussions bound in heteronormativity, but there is a great deal to be said about how the construction of different bodies in different genders and sexes can lead to different forms of sexual objectification. I am confident that the theory that I have offered in this thesis can be applied to these problems, but I do not have the resources to fully address this idea in my current research.

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