

## Article

# Beyond Consent: On Setting and Sharing Sexual Ends

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**Abstract:** This paper formulates a response to standard accounts of Kantian sexual morality, by first clarifying why sex should be understood as a case of using a person as a thing, rather than merely as a means. The author argues that Kant's remedy to this problem is not sexual consent, but a model of setting and sharing sexual ends. Kant's account of sexual morality, read in this way, is a critical framework for contemporary moves to think beyond consent, and to grapple with concerns about sexual violation and "bad sex" that have gained uptake in the wake of the MeToo movement. The author defends an account of sex as a process of setting and sharing sexual ends in a Kantian key, which provides us with resources for thinking about the robust ongoing project of making our sexual selves in nonideal conditions, as well as for identifying the wrongs of both "bad" sex and sexual harassment. In doing so, they offer a critical middle ground between contemporary accounts of sexual morality that center questions of individual agency or autonomy, and those that foreground the intersubjective nature of sex.

**Keywords:** sexual consent; Kant; feminist philosophy; philosophy of sex

## 1. Doing Philosophy In Bed

Philosophers sometimes suppose that if we want to understand what kinds of relationships make sex permissible, we can look to other sorts of activities we engage in *together*: perhaps sex is like a game of tennis [1,2] or squash [3]; perhaps it is something like dancing together [4,5] or building a roof [4]. If sex is like these other activities, then it can be subject to the same scrutiny and the same remedies. My students and I sometimes joke that when we are doing philosophy of sex, we are just doing philosophy but playing the old game where you add "in bed" to the end of each sentence, to see how the argument applies.

At the same time, feminists have consistently made the case for understanding sex as importantly different from other sorts of activities, in that sex involves forms of objectification that go beyond other kinds of interaction [6]. And, as Kantian feminists have long pointed out, they are not alone in making this claim: Kant, too, thought that sex involved a dehumanizing form of objectification: on his account, sex was "cannibalistic", an appetite that leads us to *consume* one another [7] (6:360) [8–10]. Kant's account differs from the feminist account in that he takes the problem of objectification to be symmetrical, though his analysis remains attentive to how asymmetries can exacerbate the problem.

Given this careful feminist attention to Kant's account of sexual objectification, it is curious that most accounts of Kantian sexual morality take Kant's primary concern to be that sex is an instance of using another person *merely as a means* [11,12] (p. 274), and that sex is, therefore, much like other kinds of activities—a tennis match, a roofing project [2,3]. If sex is a problem of treating another person *merely as a means*, then it follows that sex is subject to the same remedies as other kinds of interactions: namely, that sex is permissible only when partners consent to sex, free from deception or coercion. Call this the standard Kantian account.

In this essay, I will argue that the standard account misses a crucial distinction in Kant's conception of sex, which can provide us with critical resources for contemporary sexual dilemmas. Following Kantian feminists, I take Kant's account of the problem



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of objectification seriously and tease out the distinction between using someone *merely as a means*, and using someone *as a thing*. Doing so, I will argue, should complicate contemporary accounts of sexual consent. On the standard account, if sex is an instance of treating someone merely as a means, then the remedy is consent—namely, genuine, voluntary, informed consent [3,11–13]. But if the problem for Kant is not using a person as a means only, but instead the use of a person as a thing, then consent is an insufficient remedy.

Kant's solution to this problem, famously, is not sexual consent, but marriage. Following contemporary Kantians, I argue that we can distill the critical feature that makes sex permissible from Kant's account of marriage, rather than defending an outdated sex-only-within-marriage argument. Kant's claim was that when we are in danger of using someone as a thing, we can only solve the problem by putting ourselves into a relation with them where we treat one another as end-setting beings, by promising to *share* our ends with one another. I will show how Kant's conception of *sharing* ends is importantly different from standard ideas of consent, and argue that an account of setting and sharing sexual ends can address the sorts of sexual wrongs that, as Tom Dougherty has argued, consent can *ameliorate* but not *eliminate* [14].

In making this argument, I build on a robust body of work by contemporary feminist Kantians on Kant's account of sex, from Herman's and Nussbaum's arguments in the 1990s, to Helga Varden's recent masterful rethinking of Kantian sexuality [3,8,10]. I want to put these arguments into conversation with another body of work in sexual ethics, which has been increasingly challenging dominant conceptions of sexual consent. These arguments are theorizing ways to expand sexual discourse beyond consent, conceiving of sex as a joint activity, and mapping alternate communicative and negotiation practices for permissible sex. They respond to a growing awareness—particularly in the wake of the MeToo movement—of the ways that normative consent operates as a sexual script within heterosex, in which men propose and women consent, and in which a substantive portion of sexual communication and negotiation is thus ignored [6,15,16]. As heterosexual practices of consent are enshrined in law and policy, and then treated *as if* they were gender-neutral, these patterns of passivity come to shape sex beyond heterosex. Thus, even as consent is increasingly framed in law and policy in gender-neutral terms, it is critical to remember that, as Linda Alcoff puts it, “consent is particularly insufficient as a means to protect *women's freedom*” [17] (p. 138). So Alcoff, like many contemporary feminists, is theorizing permissible sex beyond consent.

Many of these moves to think *beyond* consent highlight the intersubjective nature of sex: they theorize sex as a joint activity, as teamwork [4], but it is equally important not to leave behind the question of agency. As Alcoff puts it, “the kernel of truth behind the turn to consent . . . is a concern with what the person *wants* to do, with her will” [17] (p. 138). I will argue that this is where Kant can be particularly helpful: by providing a theory of sex as an intersubjective joint activity, that is nevertheless centered around a robust conception of our sexual *will*. Kant's concern with the will is not merely, as Alcoff warns, “a given momentary intention . . . what the immediate statements and acts, desires, and pleasure, or even stated consent, can convey” [17] (pp. 140–141). Instead, we find in Kant an account of what Alcoff calls “will-formation in a larger sense” [17] (p. 140), or the practices through which we *make* our sexual selves. But to see this dimension of Kant's argument, we will first have to distinguish between the moral problem with sex as the use of a person *as a mere means*, and the use of a person *as a thing*.

## 2. Using Someone as Merely a Means, or Using Them as a Thing?

On the standard account, sex is like other sorts of activities, and the danger sex poses is, like other activities, the risk of using a person as a means only. The problem of using someone merely as a means is likely familiar to anyone with even a passing familiarity with Kant. In our ordinary lives, we make use of one another as a means, in all sorts of ways: the person I buy my coffee from is a means to my coffee; the person who gives me a massage is a means to my relaxation. All of this is unproblematic because I pay for my

coffee and my massage, and so I am also helping my barista and my masseuse to their ends (or, what I *assume* their ends are), of making a living. I have not used them *merely* as a means. But, if I walk out of the coffee shop without paying, or convince a friend to do a massage exchange and then refuse to reciprocate, then I have used the barista and the friend as *merely* a means to my own ends, in a morally problematic way.

The way to avoid using someone merely as a means, therefore, is through their genuine consent, which must be voluntary, as in not coerced, and informed, as in not deceived [11]. As Pauline Kleingeld has argued, this actual consent must be the *condition for* my action: I avoid treating you merely as a means when the reason I go forward with the action is *that* you have consented to it [12]. It is critical to have an account of how to avoid treating people merely as a means because it allows us to use people to build houses for us, sell us coffee, or play tennis—all of which are fine ways to use people, as long as your genuine, informed, and voluntary consent is the reason we do this together.

This sounds like a solid account of sexual consent, too: the reason I have sex with you is that you consent, knowingly and voluntarily, to have sex with me. Thus, on the standard account, I *use* you for sex as *merely a means*, only if I violate the requirement that I get your genuine, informed, and voluntary consent [11,13]. As long as you do consent, knowingly and voluntarily, to have sex with me, then we have created what Kant would call a *united will*, through which we have both agreed to the action that we are about to undertake [12] (p. 404): when I want to have sex with someone, I desire to treat them as a means to my end (say, pleasure); when I have their consent, we align my end (my pleasure) with their end (their pleasure).

The trouble is that while this is, indeed, how Kant thinks most permissible interactions must work, it is not how he thinks sex works. Kant described sex as “cannibalistic,” and emphasized the ways that sex is an appetite through which we make ourselves into the object of someone’s appetite—that is, a thing to be consumed, like ‘a roast pork’ [18] (27:387). Kant’s description of sex as an instance of using someone as a thing date back to his earliest notes on sex [19] (19:460), and metaphors of consumption appear consistently over decades of thinking about sex, from the *Lectures on Ethics*, where he worries that after sex, we cast our lovers aside ‘as one casts away a lemon which has been sucked dry’ [18] (27:384), to the Appendix to the *Rechtslehre*, where he worries that men are exhausted ‘by women’s frequent demands upon’ them [7] (6:360). There, he concludes that “in this sort of use by each of the sexual organs of the other, each is a *consumable* thing with respect to the other, so that if one was to make oneself such a thing by *contract*, the contract would be contrary to law” [7] (6:360). Sex is, indeed, an instance of the use of a person, but it is an *objectifying, appetitive* form of use: it is a form of use in which we are used directly *as a thing*, and thus, to consent to sex is to consent to be used *as a thing*.

The first question we must ask is, (how) is using a person as a thing different from using them merely as a means? And then, the second question is, if using a person as a thing, is indeed different from using them merely as a means, then what remedy is necessary for this sort of use? Is genuine, voluntary, informed consent sufficient? And if not, what is?

I have two answers to the first question. First, for Kant, the kind of use sex entails is indeed importantly different from the kinds of use tennis, house-building, or a massage entails. When I hire someone to build me a house, make me a coffee, or give me a massage it is their *skills* that I make use of: Kant says that “a man can certainly enjoy the other as an instrument for his service: he can utilize the others’ hands or feet to serve him, though by the latter’s free choice” [18] (27:384). But the use we make of another through sex is different: “we never find that a human being can be the object of another’s enjoyment, save through the sexual impulse” [18] (27:384). Because sex is an appetite directly for the body of another, Kant thinks, it is a relation through which one makes oneself into a thing, “which conflicts with the right of humanity in his own person” [7] (6:278). The only other instance where a person makes himself into a thing in this way is through enslavement, which is a relation in which a person has no right *against* the slave for his labor, but a relationship

in which the slave becomes an object to be used, a body directly subject to the master's will [20].<sup>1</sup> Sex and slavery are distinct from other kinds of use, on Kant's account, because they involve allowing someone else to make direct use of my body for their own ends, rather than an agreement to grant another a right against me for the use of my skills or my time. In the latter case, my body is still subject to my will. If I have consented, this is fine; if I have not given genuine, informed, voluntary consent, then I am being used merely as a means to someone's end. But in the case of sex or slavery, my body is being used by another to fulfill their ends: my body is being used according to someone else's will. Thus, I am being used as a thing. If I consent to this treatment, I consent to being used *as a thing*—and this, Kant argues, is something that I cannot do.

But, secondly, I think we could reasonably disagree with this distinction. In practice, many contemporary philosophers of sex do simply disagree with Kant's take on sex, and argue, more or less, that when we think about sex, we simply add "in bed" to the end of our general propositions. And so maybe sex is like tennis or getting a massage, and maybe the rules that govern those relations should govern sexual relations. Maybe Kant was simply wrong about the moral dangers of sex, just as he was wrong about the impermissibility of same-sex relations [3].

Before we dismiss the Kantian distinction, however, let us consider why so many contemporary feminists have taken this distinction to tell us something important about sex. Barbara Herman, Martha Nussbaum, and Rae Langton have famously located, in Kant's argument, important parallels to contemporary feminist arguments about objectification: the worry that there is, indeed, something profoundly objectifying about sexual relations, something akin to using a person *as a thing*, that does not arise in a tennis game or at the coffee shop [8–10]. Herman, as we've seen, identifies strong similarities between Kant's account of sexual objectification and the arguments advanced by radical feminists like Andrea Dworkin and Catherine MacKinnon [8]. And while Herman argues that the central difference is that, for Kant, this problem of objectification is symmetrical, rather than gendered, I think we have good reason to think that Kant's analysis, like Dworkin's and MacKinnon's, is attentive to how power relations shape the problem of sexual objectification: this is why he argues against prostitution, concubinage, and morganatic marriage, since the only way to make the inevitable objectification of sex permissible is to embed it within a relationship of legal equality. When it is allowed to unfold in unequal relations—relations in which men have power, and women do not—then it operates, he thinks, rather like slavery, in which one person agrees to be a thing used by the other person, according to their will (even if one has consented to this use). If Dworkin and MacKinnon are right that, under conditions of patriarchy, most heterosexual relations take some version of this form, then we have good Kantian reasons to be quite worried about what we consent to, when we consent to sex. (Given that marriage is itself a patriarchal institution, we have little reason to think, as Kant did, that marriage will solve this problem). If we dig deeper into Kant's account of our sexual selves, as Helga Varden has done, then we find resources in Kant for understanding why being objectified, violated, or traumatized does so much damage to our ways of being ourselves, and of being at home in the world [3].

So, one way to take Kant's account of sex seriously is to say that Kant thought sex was wildly objectifying and morally dangerous. We can say that he is wrong about this—that much sex is not wildly objectifying and morally dangerous, that a lot of the time we have sex for good and moral reasons, and in ways that are consistent with our duties, to ourselves and each other. But it is worth noting that some sex *is* wildly objectifying and morally dangerous, either because it is the kind of "bleak" sex we've become so aware of in the wake of #MeToo [4,5], or because it is kinky sex, and so it is objectifying and morally dangerous, *on purpose* [21]. It is also worth acknowledging, with MacKinnon and Dworkin, that the moral dangers of sex and objectification are not equally distributed, so that grappling with these dangers is a regular feature of, for example, womanhood under patriarchy (#yesallwomen).<sup>2</sup> If this is the case, then it is important to acknowledge the ways that (1) sex is importantly different from tennis or getting a massage and (2) the kind of

using a person as a thing that sex allows can also impact our tennis games and massages—e.g., that one way to understand sexual harassment is as an instance where someone who is meant to be using me as a means (for a tennis game or a massage or a coffee) instead begins to try to *use me as a thing*. We will return to this point below.

### 3. What We Cannot Consent to

I turn now to the second question: if sex is an instance of using a person as a thing, then what is the remedy? Kant claims that you can't consent to being used as a thing [7] (6:279, 360). This is why you can't consent to enslavement, and it is why no agreement to prostitution or concubinage can be binding [7] (6:279). So, consenting to sex doesn't solve the problem: it would simply be consenting to be used as a thing [7] (6:360), and this consent would conflict "with the right of humanity in his own person" [7] (6:278). When I consent to being used as a means, this saves me from being used *merely* as a means. But when I consent to sex, I just consent to being used as a thing. Sex isn't transformed by my consent in the same way that other forms of use are.

Again: perhaps it is not that simple, and we have no reason to think that consent to sex is much different from consent to a tennis match. But I think that, particularly in the wake of the MeToo movement, in an era in which pornography shapes so much of sexual desire and expectations [22–25] it is hard not to acknowledge that, for women, sex does seem to sometimes involve consenting to being used as a thing. Often, one does not know, when one consents to sex, that one has agreed to be a prop in someone else's pornographic fantasies. Sometimes, as Nancy Bauer argues, one does know, and one does it anyway [25]. In either case, the harms of sex are not always addressed by consent [26]. Therefore, as Tom Dougherty has argued, we need resources for addressing those cases where these harms are not eliminated, but only ameliorated, by consent [14].

Most accounts of consent insist that consent must be genuine, voluntary, and informed. But in most of these accounts, "informed" operates as the opposite of "deceived."<sup>3</sup> As long as I'm not being deceived by my partner, then apparently I know all I need to consent to sex. Often, these accounts leave "sex" intact, failing to interrogate what actions and activities are "on the table" when one consents to sex [5]. The default, in our culture and our legal framework, is that "sex" refers to penetrative intercourse, ending in male orgasm: sex that ends in some other way (say, when I say "stop") has been prematurely ended. So, is that what I consent to when I consent to sex? To penetration ending in male orgasm? Have I consented to an act or an end? When I consent to have sex with someone, do I know what sex is, for them? Do I know what they want it *for*? Do I know what they want me *for*?

While philosophers and activists have persistently pushed for more rigorous definitions of what genuine, informed, voluntary consent might look like [6,11,13,14,27], a pernicious problem persists, wherein a more rigorous definition of consent laid out in, for example, a campus consent policy or a philosophical essay is not the *operative* definition deployed in the courtroom or the Title IX office.<sup>4</sup> The problem also arises when those engaging one another in sexual contexts have different operative understandings of consent, so I may think consent means that I know and understand your motives, while you may think it means only that I have consented to a particular set of actions. Consent is, as Tom Dougherty has argued, often understood as a *binary*—either I have consented, or I have not [14] (p. 335)—and so it can be difficult to negotiate radically different understandings of what consent entails within the terms of one binary framework.<sup>5</sup>

This problem is exacerbated by the ways that, as feminist philosophers have argued, consent frameworks tend to focus on "consent talk" to the exclusion of other forms. of sexual communication and negotiation. Thus, Quill Kukla<sup>6</sup> points to the ways that our emphasis on the "script" of sexual consent directs our attention to a particular, ritualistic kind of linguistic exchange—articulations of refusal or acceptance—rather than to a broader range of sexual negotiations, including invitations, gift-giving, and the articulation of boundaries [15]. In heterosexual, as feminists have long argued, this script tends to encourage men to attend to women's articulations of acceptance or refusal to the exclusion of other



kinds of sexual communication; as a result, as Lois Pineau has put it, consent is often put rather like “an offer from the mafia” [16] (p. 235)—an offer I can take (or leave, maybe), about which I have little information or context. As Pineau notes, our conception of consent—even voluntary, informed consent—rarely has a robust account of the epistemic duties that consent requires [16,28].

This is not surprising if we consider that, on a Kantian account, consent’s structure is most akin to a contract. When I enter into a contract to build a house or give a massage, I grant the other person a right against me: I will an agreement that I will provide them with my skills, my labor, and my time. The contract is designed to *align* our respective ends so that we can make use of one another in permissible ways: my employer uses my labor to fulfill his end of building his house or having his massage, while I use him to my end of making money. For this to work, we need only a limited understanding of one another’s ends: I need to know what parts of his house I’m building, when, and with what materials; he needs to know my wage; we may need to agree on a completion date. The contract is designed to ensure that we each get to keep and pursue the ends we already have and, that we agree to will together a set of actions that will get each of us to where we want to be.<sup>7</sup> If consent is like a contract, then consent is the mechanism through which we can pursue the ends we have set *for ourselves* in those cases where that pursuit involves others; beyond what’s required by the contract, we leave our respective ends up to one another. Consent allows us to interact with others in ways that ensure we are not treated *as a means only*.

But when we do this *in bed*, as it were, then Kant thinks we run into difficulty, since we are not making an agreement for you to use my skills, my labor, or my time, but to use my body, which is myself. And so you do not have a right *against* me, but a right *to* me. You’re using me to fulfill your ends, and I’m using you to fulfill my ends. We may agree to a set of actions to achieve these ends, but the fact remains: you are using me as a thing in fulfillment of your ends, which are distinct from my ends. And so, you are making use of my body (and thus, my person) in ways that have nothing to do with my capacities as an end-setting being, with the right to humanity in my own person. And so, I consent to allow you to make use of my body in the pursuit of your own ends, *without necessarily knowing what those ends are*. If I do not know those ends, I cannot will those ends. And so even if I have consented to the activity, there is a sense in which you are using my body *against my will*.

There is a double danger here. The first, which Kant explores, is that I agree to let you use me as a thing precisely because I am just using myself as a thing: we’re both just here for pleasure, and we’re throwing ourselves away as things to get it. But the second, which contemporary Kantians have taken up, is that in 21st century heterosex, it is rarely that symmetrical. Often, women are consenting to being used as things in ways that entrench and discipline patterns of gendered oppression. Sometimes, this takes the form of sexual violation. Other times, it is simply another bar on what Marilyn Frye called the birdcage of oppression: another night being treated as a prop in someone’s pornographic fantasy [29]. If what we emphasize about these experiences is that *women consented to them*, then we treat sexual objectification as a normative form of gender discipline: we assume that because you consented, the way you are treated must be okay. This, in turn, enforces patterns of adaptive preference, in which women come to believe that they prefer to be treated in these ways [30,31], that being objectified is in fact what they want: that what one really wants, when one wants sex, is being wanted [32], even if how one is wanted is *as a thing*. As Carol Hay has argued, this has an impact on women’s ability to set and pursue ends for themselves, and thus, to respect themselves as rational beings [31]. We will return to this point later.

#### 4. Beyond Consent: Sharing Ends

Having argued that consent alone cannot solve the problem that sex poses, that of using persons as things, Kant famously offers a solution: marriage. Namely, monogamous,

lifelong legal marriage defined by an equality of possessions, so that each person can be said to “gain the other” person as they lose themselves. Romantic, right?

As contemporary Kantians, from Herman to Varden, have argued: it is kind of romantic [3,8]. At the heart of Kant’s very conservative account of marriage as essential to permissible sex is a radical idea: the reason marriage transforms sex is that it creates a context in which partners *share their ends*, creating a *community* of ends. Marriage right is different from contract right: instead of *aligning* ends, married partners *share* their ends, which is to say, they each transform their end-setting projects to have a shared community of ends. So, because partners share ends, they cannot use one another’s body *against their will*: because we share ends, sex becomes a shared activity in pursuing those ends, a condition in which we each use one another to pursue our *joint* ends. In marriage, partners do not merely consent to one another’s ends, or will actions in pursuit of one another’s ends: they take on one another’s ends *as their own*, thereby transforming their own ends accordingly.

On Kant’s account, this must happen in a lifelong marriage, so that we only ever do this once, and we do it permanently, and with all of our respective ends.<sup>8</sup> Kantian scholars have argued that we can take a lot of what’s useful here without assuming that it needs to be forever [33,34]; others go further and argue that it need not even occur within a long-term, committed relationship: it can happen within a given sexual encounter [10]. I argue that we can generate a Kantian account of sex as a relation of shared ends without tethering it to marriage, or even to a robust relationship.<sup>9</sup> Whereas consent constructs a relation in which persons propose (or assume) an end, and another assents to that end, a shared community of ends requires people to each bring their ends to the table, and engage in a process of transforming their own ends in light of the ends of their partner(s). This means that partners carry what Lois Pineau has called an epistemological duty to in fact *know* one another’s ends, and it means that partners have a duty to treat one another’s ends as *reasons to act accordingly* [16,28]. My claim is that these duties can stand independently from marriage, and indeed, from broader romantic relationships.<sup>10</sup> If we can develop an account of what it means to have *sexual* ends, or the ends relevant to a given sexual encounter, then we can begin to think about what it might mean to treat sharing sexual ends as a model for rightful sex in a contemporary context [28].<sup>11</sup>

Kant thinks that *sharing* ends in this way solves the problem of using persons as things because when I share your ends, I have to know what they are, even if they change. This requires us to treat others as ends in themselves in what Christine Korsgaard has called the “positive sense,” in which we are required to respect the ends that another person *has set for themselves*—which means, of course, *knowing* the ends another has set for themselves [35] (pp. 192–193) [36] (p. 120).<sup>12</sup> This is importantly different from how we *align* our ends through contract. When I consent to an activity with you, we may agree on any terms and limits needed to ensure that we do not end up treating one another as a means only. But there is a limit to what we need to know of each other’s ends. I may *agree* to the activity, or even to your ends, but this is not the same thing as *taking your ends as my own*.

In a shared community of ends, I not only understand that my partner is a person with ends, but I agree to take their ends as my own, i.e., to transform my own ends in light of my partner’s ends, on the condition that they will do so reciprocally. I can’t use you only for my ends because my ends have been transformed: we are working towards *our* ends. If your ends change, our ends change: sharing ends is an open, ongoing process. I cannot treat you as a thing in a way that violates your humanity, because I no longer have competing duties to myself and you: the idea is, my duties are dictated by *our* ends; they are duties of solidarity. Korsgaard argues that “the kind of reciprocity I am discussing here is not mere exchange from which one can walk away. What is exchanged is a part of one’s practical identity, and what results is a transformation of that identity” [35] (p. 215 f 14).<sup>13</sup> The “shared community of ends” model modifies autonomy in a way that the consent model does not: it holds that what intimacy requires is not just that I respect my partner’s relevant ends, but that I change what I want, that I rethink my own ends, to ensure that my ends are my partner’s ends.

This is a robust ideal. And for Kant, it must be, because sex is a serious moral problem. There are many ways we might fall short of this ideal: we might fail to communicate our ends, to transform our ends in response to our partner's, to take our partner's ends as a reason to act accordingly, to will our shared ends, to generate duties of solidarity [28]. But we do, I think, have models of this kind of end-sharing outside of robust relationships to fall back on. We have, for example, the kinds of negotiation many of us engaged in during the pandemic, when the risk was so high that it was insufficient to ask for consent ("can I take my mask off?") or to issue an invitation ("will you come for Christmas?"). Instead, we talked about what we were willing to risk in order to see one another; we asked each other what we wanted and what we prioritized; we transformed our own ends accordingly to see one another safely. These negotiations were not unlike those that happen in kink spaces regularly, where participants share their ends, preferences, and limits to arrive at a shared vision of a joint scene or scenario. Both of these are high-risk situations. And sure, maybe vanilla hookup sex isn't so high-risk. Then again, maybe it is.

## 5. Sexual Ends

One problem with consent consistently identified by feminist scholars is that because consent orients attention to women's assent or refusal, it often orients attention *away* from other articulations of sexual desires, preferences, and limits [6,15,16]. In other words, it often orients attention away from women's articulations of their own sexual ends—and this patterned communication can shape a paradigm in which women do not learn to share—or set—sexual ends. Communicative frameworks, on the other hand, have emphasized the importance of communicating and sharing sexual desires, preferences, and limits, but have little to say about the conditions under which these desires, preferences, and limits are shaped [16]. A benefit of a Kantian account is that in its attention to *sharing* sexual ends, it also offers a starting point for an account of *setting* sexual ends.

At the heart of this is the difference between a requirement to have sex with someone else such that I do not use them *merely as a means*, and to have sex with someone else such that I *respect* them. What it is to respect me is to respect the ends I have chosen for myself. And while the requirement not to treat me merely as a means is a requirement to respect me as an end-setting being, e.g., not to get in the way of any ends I might hypothetically choose for myself, the requirement to *share* my ends is a requirement to respect and take on the actual ends I have chosen for myself. When you do that, you can't use me as only a thing, because you are respecting and sharing my ends, and thus, respecting me as an end-setting being. But you can only do that if you know my ends—my actual ends, not the ends you think I ought to set. These ends might be kind of kinky: we might both want you to tie me up and whip me, or for you to indeed treat me *as if I was a thing*. But that is different from me consenting to your proposal to tie me up and whip me, from me agreeing to be a prop in your pornographic fantasy.

So, what are *sexual* ends? Let us begin by saying that sexual ends are those ends that are relevant to a sexual situation. Some of these may be directly about sex: having an orgasm might be an end, or pleasure, or connection, or being touched in ways that make one feel seen—or, being touched in ways that make one feel *like a thing*. And some of these might not be about sex, but be relevant to a given encounter: I may have ends of remaining unpregnant, for example, or of protecting myself emotionally in some way—or, of not being raped. Sexual end-setting is a subset of our general end-setting projects, and part of engaging in sexual activity is determining what one wants from one's sexual life—or, setting and choosing ends relevant to one's sexual self.

End-setting is part of the project of being a creature with wants and desires; it is the intentional process of critically filtering our desires and inclinations, and determining which will inform our life projects. Sexual *desire* and sexual *ends* are not the same things: sexual ends are those desires that have been chosen by a person as the desires they can will themselves to fulfill through action.<sup>14</sup> Not all of my desires will survive this process—either because I decide that some desires are not things I value, or are not consistent with



my broader projects, or cannot be fulfilled through the sorts of actions I feel I can will, or, because I do not believe that my desires *can* be fulfilled, or that I am entitled to have them fulfilled. This means, *both*, that we can be held responsible, to some degree, for the sorts of things we select as sexual ends, and that any damage to our capacity for rational choice that results from conditions of privilege, oppression, or trauma, may undermine our capacity to choose sexual ends for ourselves.

I do not mean to suggest by this that our sexual ends are fully subject to rational choice in the way that we might hope ends, more generally, might be. As Helga Varden has persuasively argued, any account of sexual end-setting must make space for how sexual desire, sexual identity, and gender identity are part of how we feel at home in the world and ourselves, and so are not entirely reflective [3] (p. 129). There is therefore a certain kind of “givenness” to our sexual desires, which shapes and limits the kinds of ends that are possible for us [3] (p. 125).<sup>15</sup> And because our desires are in many ways unreflective, they are also shaped by the cultural and social context in which we find ourselves [17] (p. 134) and the imaginary domain available to us [22], in ways we may not consciously understand. These contexts may mark out what will seem “possible” or “plausible” to us; they may generate and discipline our desires and limits in ways that we cannot perceive.

This is not to say that sexual desires cannot, and should not, be subject to some rational scrutiny when they are chosen as reasons for action. Varden argues that our faculty of desire is reflective, allowing us to step back and consider what we want and how it fits into our broader life projects: our faculty of desire is the process through which we “develop, transform, and integrate all the aspects of our being, grounding us in the particular beings that we are” [3] (p. 44). Thus, while we generally accept the “givenness” of sexual desires at the root of sexual orientation, we also understand that one’s sexual identity is the process of accepting, choosing, and acting in light of those desires. Sexual end-setting is not the process of choosing our desires, but of choosing which desires we will act on, and how. Though our sexual desires might be alienated from our sense of self (I may have desires I would rather not have, that are inconsistent with my broader projects), sexual end-setting involves making my sexuality an integral part of my chosen identity and life projects [3] (pp. 54–55). This means, too, that having our sexual ends ignored or violated is a particularly pernicious form of violence, even when they are violated or ignored in overtly nonviolent ways [3].

Our practice of setting ends for ourselves, therefore, is a critical component of what Alcoff calls our self-making capacities [17] (p. 122). Our practices of setting *sexual* ends, then, can be understood as our “making capacities concerning our sexual selves” [17] (p. 122). This positions our sexual selves as an ongoing project or practice, rather than as some “natural” sexual self. A key way that we *make* our sexual self is by encountering and filtering our desires and limits, and by setting sexual ends for ourselves. Adopting new ends, in the face of new desires, or new end-sharing projects may require us to gradually shift or transform our existing projects [35] (p. 196) [37] (p. 180). Thus, end-setting is the process by which we choose our lives and, by extension, constitute our identity.

Though end-setting is an individual project, it occurs in a social world, attentive to the relationship of others to our ends. Relationships of all sorts are defined by how persons interact with each other’s ends: contracts may bind parties to respect a limited set of one another’s ends in particular ways; friendships and marriage turn on the reciprocity of shared ends. Therefore, part of end-setting is selecting ends that could be aided or shared by the specific others with whom we have, or hope to have relationships. We choose ends that are consistent with the broader project of having the kinds of relationships we have, or hope to have.<sup>16</sup>

Our end-setting projects, therefore, shape our relations with others. Having particular ends, connected to particular life projects, is part of what makes us distinctive persons, and so respecting me as a particular, embodied person means not just respecting my abstract humanity, but respecting the particular, concrete ends I have chosen for myself. When we set ends, we are also choosing what it will mean for others to respect us [28]. This is

particularly important in sexual contexts: we cannot extrapolate a person's sexual ends from our understanding of other features of their identity or life projects, or from our own abstract sense of what others like or deserve. Sharing ends requires partners to share one others' *actual* ends, not the ends each supposes the other might have [36] (p. 115).

This is particularly important given that we set sexual ends in non-ideal conditions, where the epistemic resources we rely on in our end-setting endeavors are hampered. We set ends within history, in socially constructed contexts that may unknowingly inform both our desires and preferences, and our end-setting projects [17]. Thus, as feminists have long argued, women are actively dissuaded from setting sexual ends within rape and porn culture; those ends they do set are often aimed at self-protection and resisting oppression: for many women, "not being raped" is a central sexual end [17,38]. Many LGBTQIA+ people set sexual ends within social contexts shaped by compulsory cisheterosexuality and persistent ignorance and pernicious prejudice against non-hetero sex. And, at the same time, many heterosexual men set sexual ends in a context soaked in porn culture and toxic masculinity, so that the ends that seem plausible may be violent and objectifying, shaped by a pernicious sense of entitlement to sex, or a persistent fear of vulnerability.

As Carol Hay has pointed out, there is a range of ways that oppression can harm a person's ability to choose valuable ends for themselves, either because they do not think they deserve valuable ends, or have been conditioned to prefer less valuable ends, or because they cannot imagine that such valuable ends are real choices for them [31] (p. 125). Our end-setting projects are doubly circumscribed by our epistemic resources under conditions of oppression: first, by our sense of what kinds of desires we are entitled to, and then by our sense of what kinds of actions are available to us.<sup>17</sup> My sense of what is plausible, or possible, for me will be shaped by my understanding of my place in the world, which, under conditions of oppression and epistemic injustice, may be damaged and dysfunctional in a variety of ways. And, because end-setting is relational, my choice of ends may be further circumscribed by the kinds of ends I believe I can successfully communicate in the contexts in which I find myself; if I have no reasonable belief that a given end could gain "uptake" in a communicative exchange, then this may further dissuade me from choosing such an end [39].

The epistemic terrain in which we set sexual ends thus shapes the kinds of sexual ends that we set. While it is tempting to think of sexual ends as oriented by our desires, or our chosen pleasures, it is equally important to acknowledge the ways that, in our non-ideal sexual culture, our sexual end-setting projects may be (primarily) aimed at self-protection. Recognizing self-protection as a valuable sort of sexual end is an important part of recognizing non-ideal sexual agency [17,40] and affirming our duties to resist our own oppression as part of our broader duty to ourselves to develop our own capacities [3,31].

There are dangers in self-protective and resistant [41] sexual end-setting projects. As Hay points out, a woman's duty to resist oppression will often manifest itself as a duty to resist sexual harassment, objectification, and assault: it will manifest itself as an ongoing epistemic orientation towards injustice, paying attention to and choosing the appropriate resistant response to instances of harassment, objectification, discrimination, and assault [31]. Hay illustrates this with the case of "Native Companion," a woman from one of David Foster Wallace's essays who is harassed by a man while riding on an amusement park ride, The Zipper. When he insists that she report the harassment, she tells him that sometimes, she wants to relax, enjoy the ride, and ignore the assholes looking up her skirt [31] (p. 90). Sometimes, Hay argues, riding the Zipper, seeking out fun and pleasure even in the face of harassment, is what resisting one's own oppression permits. But more often, she suggests, the duty to resist oppression will take the form of recognizing and perhaps choosing to respond to that harassment, out of respect for oneself. In other words, the duty to resist oppression will often take the form of awareness of oppression, rather than awareness of pleasure; it will often require enhanced knowledge of others, awareness of and resistance to their ends. It will train us to be attentive to what others want, rather than to an attunement to how our own desires inform our own end-setting

projects. Thus, while this self-protective form of end-setting, which is grounded in other knowledge, is a practice required to resist immediate forms of oppression and abuse, it also tends to retrench broader modes of gendered oppression, by further disciplining women to think of sex in other-directed ways. As Varden and Alcoff agree, this allows us to see the harms of sexual violation as a violation of our sexual self-making capacities; often, the result of sexual violation is an abandonment of one's sexual self-making in the name of sexual self-protection; it is the adoption of a primarily self-protective sexual end-setting project [3,17]. As Ann Cahill argues, the effects of this extend beyond those who have been violated: when the threat of violation is a pervasive feature of one's sexual awareness, then even those who have not themselves been violated are disciplined into adopting self-protective sexual end-setting projects [42].

The duty to resist our oppression is, as Hay puts it, a subset of the duty to develop our capacities [31]. I think, then, that we could identify a duty to develop our sexual capacities, or our sexual selves, through projects of sexual end-setting: we could say that, for those of us who hope or plan to engage in sexual activity, we have duties both to resist our own oppression in sexual contexts *and* to set sexual ends in ways that affirm the making capacities of our sexual selves.<sup>18</sup> I am not claiming that this duty is universal: there may be those who have no intention to set or pursue sexual ends (and this may be, for example, one way of understanding asexuality).<sup>19</sup> But for those who do intend to engage in sexual activity, for those engaged in the project of making a sexual self, the duty to set sexual ends—and ends relevant to the sexual projects one hopes to have—is necessary to ensure that one *has ends to share*. It is necessary, in other words, if one is to engage in sex without being treated as an object.

## 6. The Case of Ms. Starlet

For those who think this requires too much, and that there was nothing wrong with the standard account, and nothing wrong with simply taking sex to be a problem of treating others merely as a means, consider a central example in Thomas Mappes' essay on the "standard" formulation of Kantian sexual consent [11]. Mappes describes the case of "Ms. Starlet, a glamorous, wealthy, and highly successful model, [who] wants nothing more than to become a movie superstar. Mr. Moviemogul, a famous producer, is very taken with Ms. Starlet's beauty. He invites her to come to his office for a screen test. After the screen test, Mr. Moviemogul tells Ms. Starlet that he is prepared to make her a star, on the condition that she agrees to sexual involvement with him. Ms. Starlet finds Mr. Moviemogul personally repugnant; she is not at all sexually attracted to him. With great reluctance, she agrees to his proposal" [11] (p. 285).

Read in the post-Weinstein era, the example is depressingly familiar, mapping almost exactly the experience with Harvey Weinstein that Ambra Gutierrez caught on tape in an NYPD sting, making visible the degradation and threat embedded in the "offer" [43]. The question Mappes asks, however, is: is Mr. MovieMogul guilty of treating Ms. Starlet *merely as a means*? He concludes: "has Mr. MovieMogul sexually used Ms. Starlet? No. He has made her an offer that she has accepted, however reluctantly" [11] (p. 285). Ms. Starlet's consent, on Mappes' account, solves the problem: if she accepts the offer, she is not being used *merely as a means*. She gets something out of it, too.

These sorts of cases are prominent in the literature on consent, where determining the difference between a "threat" and an "offer" is an important feature of defining "valid" consent [11,14,44,45]. Like Mappes, Alan Wertheimer argues that consent is not valid when it is in response to a threat that infringes on the consent-giver's rights [45]. But if this is the case, then determining whether Mr. Moviemogul's "offer" operates as a threat hinges on our understanding of what Ms. Starlet's rights are. For Mappes, what matters is that Mr. MovieMogul's offer is not coercive because, he says, "it is not plausible to believe that she was, before acceptance of his proposal, *entitled* to his efforts to make her a star" [11] (p. 285). But Mappes offers no account of what Ms. Starlet *is* entitled to, or what rights might be infringed upon here: for example, is she entitled to be treated as someone with

value beyond her sexual value *to him*? Is she entitled to be treated as a professional, or as someone with a career and audience that she brings to this new venture? Likewise, he offers no account of what Mr. MovieMogul is *not* entitled to: he is not entitled to treat a professional who has come, in good faith, to be evaluated on her acting abilities, as a sexual object; he is not entitled to implicitly threaten her reputation, whether she takes him up on his offer, or not.

This example is meant to illustrate, on Mappes' account, how consent solves the problem of treating someone *merely as a means*. But it illustrates, instead, how profoundly consent is oriented through assumptions of male entitlement: men are entitled to sex, to persuade, coax, and cajole women into sex. Men are entitled to set and pursue sexual ends—even in contexts that are not, ostensibly, about *sexual* ends at all. And women are entitled to accept or reject their proposals.

Tom Dougherty offers an alternate solution to this problem, arguing that in cases of “minor duress,” consent often *ameliorates* the wrong embedded in the coercive offer, but it does not *eliminate* it [14] (p. 342). Ms. Starlet would obviously be *more* gravely wronged if Mr. Moviemogul simply ignored her refusal and forced her (as Weinstein did on numerous occasions); that she is allowed to consent *ameliorates* how gravely she is wronged. On Dougherty's account, this complicates the “binary” of the consent paradigm, allowing us to distinguish between the greater gravity of assault and the lesser gravity of coercive offers [14] (p. 343).

Dougherty's analysis, like Mappes', hinges on the idea that the wrong of a “mildly” coercive sexual offer is akin to the wrong of other kinds of minor duress. But if we take seriously the Kantian distinction between using someone as a means, and using them as a thing, we can better identify the wrong embedded in the offer. Ms. Starlet has entered a negotiation in which there is, indeed, a risk that she will be treated as a means only; the nature of the negotiation will determine if she can align her ends of becoming an actress with Mr. Moviemogul's ends. But when what he offers her is a sexual encounter to arrive at those ends, he proposes to treat her as a thing. He has taken a meeting about using one another as a means and turned it into a meeting about using one another as a thing. If we assume that sexual use is continuous with other kinds of use, then we can't identify this wrong: we end up talking about the wrong of “coercive offers” and not about the wrong of sexual harassment. The Kantian distinction allows us to more clearly delineate the wrong of sexual harassment as what occurs not only when a person with more power makes a coercive sexual offer, but also when they take a context in which one expects to be treated as a person and a professional and turn it into a context in which one is objectified.

Dougherty may be right: Ms. Starlet's consent may ameliorate the situation. But it is difficult to read this example and not be troubled by the ways that, even if she consents, Ms. Starlet *is* being used *as a thing*. She's being given the “opportunity” to get something out of it—to *align* her ends of stardom with Mr. MovieMogul's end of treating her as a prop in his performance of masculinity—but it is hard to say that this resolves the problem. She's being asked to consent to being used as a thing, to have her body used against *her* will. And she's being asked to do so in a context that, from her perspective, was *not about sex at all*: a context in which she expected to be treated as a person, and finds herself asked, instead, to agree to be reduced to the status of a thing.

This example illustrates how consent becomes a way to use someone, without using them merely as a means. Mr. Moviemogul has enough power that he expects to get what he wants, without compromise; Ms. Starlet's willingness to accept his proposal is considered only in light of the ends Mr. Moviemogul assumes that she has: she wants to be a movie star. But as an end-setting being, Ms. Starlet likely has a broader range of ends that might be relevant to this encounter, including an end of being taken seriously as an actress, an end of not being used as a thing in someone else's fantasy, and perhaps ends regarding the kind of sex, and sexual relationships, she would prefer to have. On a Kantian account, if she consents to this sexual relationship, she may be consenting because the encounter aligns with one of her ends—her desire to be a movie star. She may not be used *merely as*

*a means*, but she may yet be used *as a thing*. And to consent to be *used as a thing* is indeed to violate her duties to herself, including her duty to resist her own oppression. This is dangerous because it may affect the kinds of ends she thinks are reasonable for her to have; it may affect her capacity to set ends for herself. It may damage her will formation and the making capacities of her sexual self [6].

Ms. Starlet's predicament is a problem difficult to capture with an account of sexuality that takes sex to be a case of using someone *merely as a means*, and that therefore likens sexual offers to other kinds of "opportunities." As Mappes' analysis shows, it is a problem to which consent offers an unsatisfying, if not downright harmful, solution. Taking Kant's account of sexual objectification seriously allows us to clearly articulate the violation embedded in an "offer" to use a person as a thing in ways that make sense of Ms. Starlet's predicament, and provides us with a critical tool for thinking about the kinds of sexual wrongs surfaced by the MeToo movement.

## 7. Conclusions

This paper has asked what follows if we take the problem of objectification seriously, and assume that sex is unlike the sorts of activities in which we are in danger of treating others *merely as a means*. Drawing on feminist critiques of heterosex, and the problems of "bad" sex and sexual harassment laid bare during the MeToo movement, I suggest that we may have reason to take seriously Kant's claim that sex is morally dangerous in that it creates contexts in which we are likely to use one another *like a thing*. If this is the case, Kant argues, then sexual consent is insufficient for addressing the moral dangers of sex. To address this problem, I develop an account of *setting* and *sharing* sexual ends in a Kantian key. An emphasis on setting sexual ends, I argue, is important for addressing concerns about sexual agency in a social and epistemic context in which women are discouraged from setting sexual ends of their own; an emphasis on sharing sexual ends can broaden the forms of sexual communication and negotiation relevant to shaping permissible sexual encounters. This framework provides us with critical tools for addressing those contexts where, as Dougherty has argued, consent can only ameliorate, rather than eliminate, sexual wrongs [14]. It offers resources for addressing pervasive sexual injustices articulated by the MeToo movement, including "bad" sex and the kinds of sexual "offers" that often constitute sexual harassment. In doing so, it provides us with resources for contemporary moves to think beyond consent, and to grapple with the ways that "consent is particularly insufficient as a means to protect *women's freedom*" [17]. Conceiving of sex as a process of setting and sharing sexual ends in a Kantian key provides us with resources for thinking about the robust, ongoing project of making our sexual selves in nonideal conditions, as well as for grounding emergent accounts of what permissible sex might look like beyond consent. In doing so, it offers a critical middle ground between contemporary accounts of sexual morality that center questions of individual agency or autonomy, and those that foreground the intersubjective nature of sex.

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## Notes

- <sup>1</sup> Kant's use of sex and slavery as parallel cases is admittedly troubling for a philosopher writing at the peak of the global slave trade, and, as Lina Papadaki has pointed out, there are important differences between the cases: to consent to slavery is to cease to own one's person in a very real way, while to consent to sex does not lead to someone else having rights over my body and my person in the same kind of permanent, conclusive way [46]. However, Kant's thinking about sex and slavery are closely



intertwined with his earliest lecture notes on these questions, and he developed his arguments against slavery and prostitution together. For more on the relationship between these arguments, see Pascoe 2022 [20].

As well as a persistent problem for LGBTQ + folk, who are subject to comparably high rates of sexual violence and violation, regardless of gender identity.

A notable exception is Alan Soble's recent consideration of whether a "free & informed consent" principle should include being informed about one's own, and one's partner's motives for having sex; this means interrogating the *why* of sex as well as the *what* [13]. Soble acknowledges that satisfying such a principle would be "not easy to accomplish". I agree with him, that the resources within consent frameworks give us few tools for interrogating our own motives, let alone those of our partners. But as I argue here, I think developing a framework that takes *setting* sexual ends to be a critical step in the process of *sharing* sexual ends can do much to develop the kinds of resources we need, and to cash out the sorts of "epistemic responsibilities" Pineau claims that we have in a communicative model [16]. In other words, we may need resources *beyond* consent for satisfying a rigorous "free & informed consent" model such as the one Soble proposes.

We might think of this by way of Haslanger's distinction between the manifest concept—the conception of consent laid out in campus consent policies—and the operative concept—the way consent is practiced. Much work to ameliorate consent has transformed manifest, but not operative, consent practices [47]; for further discussion see Pascoe's forthcoming [48].

Dougherty proposes that we acknowledge the existence of "partially valid consent" to identify those cases in which consent ameliorates, but does not eliminate, sexual harms, such as cases in which consent is given under minor duress [14] (p. 342). Quill Kukla has likewise identified the importance of developing an understanding of "non-ideal consent" to deal with those cases in which fully valid consent is impossible—for example when one person is cognitively impaired [40]. The Kantian framework I develop here is consistent with Kukla's argument since the Kantian notion of end-sharing is an important feature of Kantian relations of caregiving so that one's right to care for another involves taking their ends, or, in the case of the cognitively impaired, what you think their ends *would* be, as your own. But, as I discuss in Section 6, it is explicitly designed to identify the wrongs of the cases of "minor duress" Dougherty examines, and to give an account for why consent is insufficient to identify and remedy the wrongs of coercion and duress.

Writing as Rebecca Kukla.

Kleingeld's key example of consent taking the form of "I will it" is that of a servant consenting to employment, but on Kant's account, the case of the servant is an instance of *shared* ends within the household, rather than one of consent [12] (p. 403). For an analysis of this distinction as it applies to the servant, see [10].

I think we have resources in Kant's argument for challenging both the monogamous and life-long nature of marriage: he argues, after all, that we enter into a community of ends with both our marital partners and with servants, who agree to a community of ends in which they will do "whatever is necessary for the good of the household" [7] (6:283). So we can do this with multiple people, and we can do it in a relationship which can be terminated or temporary.

We can, for example, look to the kinky sex community to find examples of the kinds of carefully constructed shared communities of sexual ends that can be constructed in limited sexual encounters. In kink communities, we find models of shared communities of ends being created through careful communicative practices without partners needing to share the full details of their moral commitments and end-setting projects. In a kink context, my partner may know little about me beyond my commitment to my sexual ends, which align with theirs—thus setting us up for the shared community of ends. In other words, my partner needs to have some understanding of my specific sexual end-setting project, which is something I can reveal to them through the process of communicatively end-sharing, without necessarily sharing much about my broader ends or commitments. Instead, in the construction of a shared community of ends, we may focus on the communicative practices that need to be respected: we may set limits, determine safe words or nonverbal cues, and clearly communicate how certain speech acts and body language should be interpreted. This process occurs against a background requirement that we have each entered this shared community of ends with a clear sense of our own ends, desires, commitments, and limits, and that we co-construct a shared language through which to communicate those throughout our encounter.

In this sense, I take my argument to be consistent with Raja Halwani's account of the ways that the forms of objectification at play in casual sex and promiscuity need not render these sexual encounters morally impermissible [49]. On my account, however, the remedy is not merely consent, but a condition in which partners share a relevant set of sexual ends, which may include sexual ends of treating one another in objectifying ways.

An account of sexual ends should be a key component of both communicative [16] and negotiation [50] models of permissible sex since it attends to *what* one communicates or negotiates: what one brings to the table.

Korsgaard distinguishes this from the "negative sense", in which we respect one another as the sort of being who can set ends for themselves, which is to say that we respect autonomy, and we leave their choices up to them [35] (pp. 194–195). On my account, treating another as an end in themselves in this "negative sense" is sufficient to ensure that one does not use them as a mere means, but it may be insufficient in cases like sex where one is in danger of using another as a thing. In these cases, something more akin to the "positive sense" in which I respect and share the ends another has set for themselves is required: one's capacity to successfully share and negotiate ends with another—is precisely what protects us from being treated *like a thing* in contexts in which such "thingness" is on the table.

- 13 Such “relations of reciprocity” and shared ends include sex, friendship, and justice [35] (p. 195): contexts in which we engage in particular projects of setting, sharing, and negotiating ends with one another, and in which we allow ourselves and our projects to be transformed by these ends. In the context of negotiation a “kingdom of ends”, the goal is to arrive, through this process, at a set of ends which could be universal, “subject to a possible vote” [35] (p. 193). I think we should distinguish practices of sharing sexual ends from practices of arriving at a universalizable kingdom of ends in that the sexual negotiations aren’t meant to be generalizable: we should take seriously the specificity of sexual desires and non-vanilla desires, things that “not everyone” might agree to. That’s why the *specific* relations through which we explore our sexuality are important: the goal of a sexual community of ends is to set ends that will be *transformed by* one’s encounters with *particular* others: to set ends in an intersubjective key.
- 14 While morality is the recognition of obligatory ends, my focus in this section is on normative but nonmoral ends, which are optional and contingent, suggested by our wants and whims and desires. Because end-setting involves rationally filtering our desires, we have choices about which desires we will adopt as the grounds for possible ends. We may ask ourselves, is this a desire I want to fulfill? Can I will a set of actions to fulfill this desire? Do I value this desire? See [37].
- 15 For example, those who are truly committed, like Kant, to the proposition that homosexuality is unnatural and wrong will nevertheless—like, evidently, Kant—find it impossible to cultivate heterosexual sexual ends in a landscape of homosexual desire [3].
- 16 For example, lying, deception, and coercion are wrong both because they thwart the ends of others, and because they prevent others from helping us to our ends by making our ends opaque to them.
- 17 Carol Hay argues “we cannot simply appeal to people’s subjective preferences—what people choose for themselves—when internalized oppression has undermined their sense of what they are entitled to” [31] (p. 32).
- 18 This argument is consistent with Helga Varden’s move to understand the duty to resist our own oppression as a *perfect* duty, which must be realized alongside imperfect duties that hold us accountable to our own happiness and development, and to our duties to assist others in theirs. Thus, we would have perfect duties to resist our own oppression as well as imperfect duties to develop our sexual desires, limits, and preferences, to set sexual ends of our own that align with our distinctive conceptions of happiness, and not merely with projects of self-defense [3].
- 19 This tracks accounts of asexuality that take asexuality to be a sexual orientation [51]; see also [3] (p. 95) for the ways that asexuality combines the “givenness” of sexual orientation with the projects of end-setting that shape a sexual identity.

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