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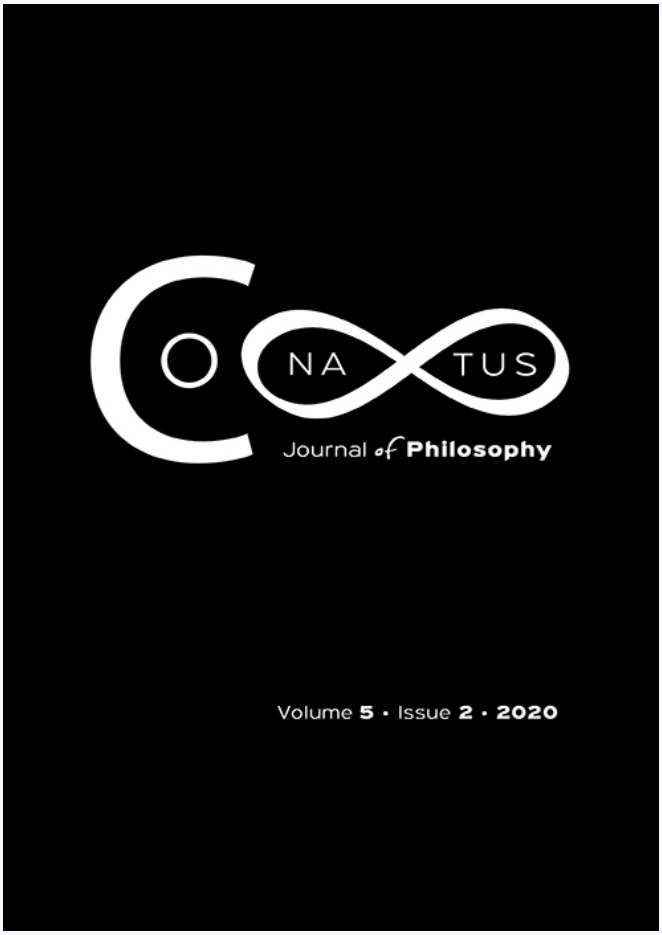

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The Masturbator and the Ban

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Abstract

In this paper, I will expand upon Giorgio Agamben's argument in his defining work Homo Sacer where he accused Immanuel Kant for introducing the state of exception to modernity. According to Agamben, Kant managed to do this by introducing the form of law as "being in force without signifying." In this line, I will argue that 'the ban' is indeed inherent within Kantian morality and all subjects under the law stand in "pure relation of abandonment" vis-a-vis the law. In order to show this, I will focus on Kant's views on masturbation in the context of his disdainful views about the body and sex and how through these views he formulated 'duties to oneself' in a way that condemns the masturbator to 'bare life.'

Keywords: *homo sacer; bare life; sexuality; masturbation; morality; Kant; Agamben*

Would I be going too far if I claim that the life of Joseph K. resembles the life of the Kantian subject under the moral law? Giorgio Agamben would not think that such a claim is too far-fetched considering that he himself accused Immanuel Kant of introducing the state of exception to modernity:

> It is truly astounding how Kant, almost two centuries ago and under the heading of a *sublime* '*moral feeling*,' was able to describe the very condition that was to become familiar to the mass societies and great totalitarian states of our time. For life under a law that is in force without signifying resembles life in the state of exception, in which the most innocent gesture or the smallest forgetfulness can have most extreme consequences.[1]

[1] Giorgio Agamben, *Homo Sacer Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 52. My emphasis.

Though this excerpt is alone provocative enough, Agamben raised the ante even higher with a statement preceding the one above by associating 'sublime moral feeling' with 'respect' and taunted Kant by asking "[d]oes the moral law not become something like an 'inscrutable faculty?'"[2] I believe that Agamben had in mind the following statement by Kant:

> But something different and quite paradoxical takes the place of this vainly sought deduction of the moral principle, namely that the moral principle, conversely itself serves as the principle of the deduction of an inscrutable faculty which no experience could prove but which speculative reason had to assume as at least possible (in order to find among its cosmological ideas what is unconditioned in its causality, so as not to contradict itself), namely the faculty of freedom, of which the moral law, which itself has no need of justifying grounds, proves not only the possibility but the reality in beings who cognize this law as binding upon them.[3]

But how can Kantian moral law even include men within it "in the form of a pure relation of abandonment?"[4] In this study, I will precisely look at how someone who is considered to be trespassing the law can be "at the mercy of others."[5] In order to show this, I will focus on masturbation and will argue that because of his problematic views on sex and his disdain for the body, Kant formulated duties to oneself in a way that the very (personal) act of masturbation merits the masturbator to be banned from the moral community of rational beings and condemns him to bare life. In order to be able to do this, I will first examine Agamben's emphasis on the Kantian sublime in order to show why I believe it is a subtle but very important emphasis and furthermore how central it is for Kantian morality.

I. Sublime moral feeling

Kant never claimed that human beings can act in a perfectly rational way. The simple fact that we are "embodied creatures of feeling and sensibility"[6] meant for Kant that

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[2] Ibid.

[3] Immanuel Kant, *Critique of Practical Reason*, trans. Mary Gregor (Cambridge: Cambridge University Press, 2015), 41; 5: 47, 21-37.

[4] Agamben, *Homo Sacer*, 51.

[5] Ibid., 29, 110.

[6] Paul Crowther, *The Kantian Sublime: From Morality to Art* (New York: Oxford University Press, 1989), 17.

there are "possible incentives"[7] out there which can and indeed do make us act in heteronomous ways.[8] But and this is where a Kantian twist comes in, he also thought that there are stronger incentives out there which can invoke profound feelings within and nudge us in acting in accordance with the moral law that we also author. After all, if Kant did not think that there was such a possibility, he would not have unwaveringly declared merely six years before his death that "morality, not understanding, is what first makes us human beings."[9] According to John R. Goodreau,[10] this is precisely why Kant had a lifelong interest in aesthetics because, even early on his career, Kant related morality "to human experience through feelings that are described in aesthetic terms." [11] Kant contemplated on these feelings so as to provide a motivation that would make us "sacrifice [our] sensible interests to supersensible rationality,"[12] so that we can rise above "all merely sensuous beings."[13] In this light, let us remember Kant's famous statement which now also embellishes his tombstone.[14] Not only this famous passage is a testament to the brilliance of the "Sage of Königsberg" to have the vision to seek "the validity of both the laws of the starry skies above and the moral law" within "the legislative power of human intellect itself,"[15] but it is also the sublime in a condensed form. What follows is my attempt to unpack the sublime in the passage which, I believe, Agamben also had in mind. [16]

II. Respect

Though it is a task beyond the means of this essay, let me briefly clarify what is "the sublime." Kant defined the sublime in comparison with the beautiful.[17]

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[7] Matthew C. Altman, "Introduction: Kant the Revolutionary," in *The Palgrave Kant Handbook*, ed. Matthew C. Altman, 1-17 (London: Palgrave Macmillan, 2017), 9.

[8] Oliver Sensen, "Duties to Oneself," in *The Palgrave Kant Handbook*, ed. Matthew C. Altman, 285-306 (London: Palgrave Macmillan, 2017), 289.

[9] Immanuel Kant, "The Conflict of the Faculties," in *Religion and Rational Theology*, trans. Mary J. Gregor, and Robert Anchor (Cambridge: Cambridge University Press, 1996), 291; 7: 72, 34-35.

[10] John R. Goodreau, *The Role of the Sublime in Kant's Moral Metaphysics* (Washington: The Council for Research in Values and Philosophy, 1998), 9.

[11] Ibid., 24.

[12] Robert R. Clewis, *The Kantian Sublime and the Revelation of Freedom* (New York: Cambridge University Press, 2009), 227.

[13] Goodreau, 109, 113-114.

[14] Kant, *Critique of Practical Reason*, 129; 5: 162-163, 33-36, 1-23.

[15] Paul Guyer, "Introduction: The Starry Heavens and the Moral Law," in *The Cambridge Companion to Kant and Modern Philosophy*, ed. Paul Guyer, 1-27 (New York: Cambridge University Press, 2006), 2.

[16] Agamben, *Homo Sacer*, 52.

[17] Immanuel Kant, "Observations on the Feeling of the Beautiful and Sublime," in *Observations*

For instance, after many depicting examples, he considered the night as sublime, while the day as beautiful and summarized the influences these "finer feelings" invoke in us as: "[t]he sublime touches, the beautiful charms."[18] Kant went on to elaborate on the sublime and described three "different sorts" of the sublime.[19] Despite these different sorts of the sublime, he concluded that when it comes to "the qualities of the sublime and the beautiful in human being in general," they inspire different feeling as "[s]ublime qualities inspire esteem, but beautiful ones inspire love."[20] Though Kant went on to provide even more details on the qualities of these two distinct finer feelings, I argue that the sublime boils down to "respect."[21] Noting that there are differences between the effects of the feelings of beautiful and sublime, Robert R. Clewis also described the experience of the feeling of the sublime as revealing in that through *respect* it invokes in us "the sublime can prepare us for moral agency."[22] But what exactly are we to respect? Kant was pretty clear about to whom we owe respect because for Kant: "*Respect* is always directed only to persons, never to things."[23] Yes, for Kant, "person" is the one who can act according to maxims in line with what reason demands but this does not by itself explain why we are to respect persons. Unless, according to Clewis,[24] we point out that respect for a person is equal to the respect for the moral law. Indeed, in a long footnote in *Groundwork of the Metaphysics of Morals*, Kant firmly asserted that:

> Any respect for a person is properly only respect for the law (of integrity and so forth) of which he gives us an example. Because we also regard enlarging our talents as a duty, we represent a person of talents also as, so to speak, *an example of the law* (to become like him in this by practice), and this is what constitutes our respect. All so-called moral *interest* consists simply in *respect* for the law.[25]

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on the Feeling of the Beautiful and Sublime and Other Writings, eds., and trans. Patrick Frierson, and Paul Guyer (Cambridge: Cambridge University Press, 2011), 14-16; 2: 208, 23-209, 17.

[18] Ibid., 16.

[19] Ibid.

[20] Ibid., 18.

[21] I am well aware of the minor modifications as well as the continuity in Kant's thinking on the sublime. However, for the sake of brevity, I will refrain from discussing these. See e.g. Clewis, 13- 14, 140; Goodreau, 9; Crowther, 7-41.

[22] Clewis, 3.

[23] Kant, *Critique of Practical Reason,* 64; 5: 76, 24-31.

[24] Clewis, 127.

[25] Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. Mary Gregor (Cambridge:

It is precisely this interest which is nothing but the respect for the moral law Kant termed as "the moral feeling."[26] It is because of this formulation on Kant's part which led Lewis White Beck to argue that "the respect for the law and the respect for our personality are not distinct and even competing feelings, as are the two feelings which merge in our experience of the sublime."[27] In other words, thanks to the feeling of respect invoked in us through the experience of the sublime,[28] we can meet the requirement to "treat rational nature as more valuable than any merely desired end."[29] According to Clewis, the sublime does this precisely because it has "phenomenological and structural affinities with the moral feeling of respect"[30] and in doing so we become aware of ourselves as "moral persons who, like the aesthetic subject experiencing the sublime, merit dignity [...]"[31] It is for this reason, as Paul Crowther pointed out, Kant defined personality in his second *Critique* "[...] exclusively in terms of such sublime moral consciousness."[32] It is through such a consciousness, we esteem "[...] something even against our sensible interest"[33] because Kant's move to ground moral consciousness on the supersensible, as I will try to show below, "[...] renders it ontologically superior to any phenomenal object or state."[34] It is precisely at this point where a "doorway" opens up which connects the sensible to the supersensible in the sense that the supersensible exercises its indispensable influence on the sensible.[35]

III. Supersensible

I have dealt with the first section of the above quotation through the feeling of respect in that, even though we are merely an "animal creature," through the feeling of the sublime we also become aware of our capacity for morality

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Cambridge University Press, 1997), 14; 4: 402.

[26] Kant, *Critique of Practical Reason,* 66; 5:80, 11-18; Immanuel Kant, *Critique of the Power of Judgment*, trans. Paul Guyer, and Eric Matthews (Cambridge: Cambridge University Press, 2000), 140; 5: 257, 9-10.

[27] Quoted in Goodreau, 50-51.

[28] Ibid., 88.

[29] Lara Denis, "Kant on the Wrongness of 'Unnatural' Sex," *History of Philosophy Quarterly* 16, no. 2 (1999): 226.

[30] Clewis, 3.

[31] Ibid., 15.

[32] Crowther, 20.

[33] Ibid., 95.

[34] Ibid., 28.

[35] Goodreau, 62, 93.

which in turn invokes in us a feeling of respect both for our own personality and for others.[36] The second section of the above quotation is perhaps the most important function of the sublime in Kantian morality because it is through this function of the sublime that we get to comprehend the "higher purposiveness"[37] and realize that thanks to the powers of the human mind we are practically free.[38]

In the third *Critique,* Kant associated the power of the aesthetic judgment in the case of sublimity with "the inner purposiveness in the disposition of the powers of the mind."[39] What this means, as Goodreau explained, is that

> aesthetic judgments regarding the sublime is a contingent use we make of the presentation, not for the sake of cognizing the object as we do through the feeling associated with the beautiful, but for the sake of a feeling of the inner purposiveness in the predisposition of our mental powers. [40]

In this awakened awareness of one's own mental powers can one author a life that is "independent of animality and even of the whole sensible world." In fact, Kant was rejoiced in the face of the power of human mind even to be able to think of the infinite that he takes it to be the proof of the fact that "the human mind [...] is itself supersensible."[41] This is in itself sublime and thus also a proof for the pivotal role of the sublime in Kantian morality in showing that "[...] this supersensible power of ours is what makes morality possible." In other words, if we can transcend the sensible world, we can very well be moral. [42]

IV. Kant on body and sexuality

If Jean-Luc Nancy[43] was correct in claiming that the body is the "latest, most worked over, sifted, refined, dismantled and reconstructed product" of Western civilization, it is only natural that Kant was among those people who

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[36] Clewis, 87; Goodreau, 11, 20; Crowther, 26.

[37] Melissa McBay Merritt, "Sublimity and Joy: Kant on the Aesthetic Constitution of Virtue," in *The Palgrave Kant Handbook,* ed. Matthew C. Altman, 447-467 (London: Palgrave Macmillan, 2017), 458.

[38] Clewis, 215.

[39] Kant, *Critique of the Power of Judgment,* 49; 5: 250, 14-15.

[40] Goodreau, 62.

[41] Kant, *Critique of the Power of Judgment,* 138; 5: 255, 35-37.

[42] Clewis, 139.

[43] Jean-Luc Nancy, *Corpus*, trans. Richard A. Rand (New York: Fordham University Press, 2008), 7.

engaged with this 'product.' Indeed, for some such as Laura Hengehold,[44] Kant's engagement with the body in the context of his Copernican revolution had profound effects on the role of the body as it was comprehended within the Western philosophy. Thus, considering Kant's influence on the way the body is comprehended, it is not feasible for a paper of this caliber to go into the details of the role of the body in Kant's overall philosophy. However, it is possible and important for this paper to show how Kant was among those who regarded "the body as a machine" in the sense that Michel Foucault talked about in the first volume of *History of Sexuality*.[45] Before dwelling on this, let us establish what is the body for Kant:

> [...] the body is the total condition of life, so that we have no other concept of our existence save that mediated by our body, and since the use of our freedom is possible only through the body, we see that the body constitutes a part of our self.[46]

The somewhat reluctant admission of the indispensability of the body above comes from the mature Kant. However, his regard of the body as a so-called mediator was actually constant throughout his career. In one of his earliest writings, the thirty-one years old Kant asserted the same view with regards to the body:

> The human being has been created to receive the impressions and emotions the world will arouse in him through the body that is the visible part of his being and the matter of which serves not only the invisible spirit that inhabits him to impress the first concepts of external objects but also is indispensable to repeat, to combine, in short to think these in the internal action.[47]

Though she argued that Kant's conceptualization of the body as a mediator occurred after 1766, Hengehold accurately noted that from that point on, Kant adopted a "new strategy" in which he began to regard the body as a way "to contain and

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[44] Laura Hengehold, *The Body Problematic Political Imagination in Kant and Foucault* (Pennsylvania: The Pennsylvania State University Press, 2007), 114.

[45] Michel Foucault, *The History of Sexuality*, vol. 1: *An Introduction*, trans. Robert Hurley (New York: Pantheon Books, 1978), 139.

[46] Immanuel Kant, *Lectures on Ethics*, trans. Peter Heath, and Jerome B. Schneewind (Cambridge: Cambridge University Press, 1997), 144; 27: 369.

[47] Immanuel Kant, "Universal Natural History and Theory of the Heavens," in *Natural Science*, ed. Eric Watkins, trans. Olaf Reinhardt (New York: Cambridge University Press, 2012), 298; 1: 335, 24-30.

ground metaphysics."[48] And she justly cautioned against misreading Kant's conceptualization of the body simply as "[...] motion detectors built into a doorway" but instead argued that "'personal embodiment' is associated in some way with all external experiences confirming and exhibiting the unity of transcendental perception, for 'embodiment' is precisely how forms of intuition contribute to a *subject's* experience."[49] This is precisely why, in the same line, Jane Kneller, stressed an important dimension of personhood for Kant as he saw persons as "self-consciously physical substances" in that "[t]hey identify themselves (but not exclusively) with their bodies. At the same time, they feel responsible for their actions, which of course include the way they behave toward their own and other's bodies."[50] However, regardless of his consistent acknowledgment of "the unity of the soul and the body,"[51] Kant also had a consistent "disdain" – not hostility, warned us Barbara Herman –[52] towards the body. I argue that his consistent disdain for the body stemmed from the fact that the body represents our 'animality'[53] in the sense that it has a proclivity to be aroused by "the impulses of nature" and hence, the need to discipline it and most of all through "the human mind."[54] Simply because for Kant, it is only through "[t]he perfection of bodily discipline" that man would be "able to live in accordance with his vocation."[55] But, why would that be the case for Kant? According to Crowther, since we are composed of 'phenomenal' and 'rational' parts which are "conjoined with" each other "the principles which inform our moral decisions are influenced by potentially distracting feelings and desires, and we can, in consequence, only act in an imperfectly rational way." [56]

V. Duties to oneself

Since our bodies are potential crime scenes for Kant,[57] in front of his pupils, he adamantly drew the limits of freedom when it comes to our bodies:

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[48] Hengehold, 92.

[49] Ibid., 90.

[50] Jane Kneller, "Kant on Sex and Marriage Right," in *The Cambridge Companion to Kant and Modern Philosophy*, ed. Paul Guyer, 447-476 (New York: Cambridge University Press, 2006), 464.

[51] Kant, *Lectures on Ethics,* 149; 27: 376; Helge Svare, *Body and Practice in Kant* (Dordrecht: Springer, 2006), 60.

[52] Barbara Herman, "Could It Be Worth Thinking About Kant on Sex and Marriage?" in *A Mind of One's Own Feminist Essays on Reason and Objectivity*, eds. Louise M. Antony, and Charlotte E. Witt, 53-73 (Boulder, CO: Westview Press, 2002), 55.

[53] Sensen, 299.

[54] Kant, *Lectures on Ethics*, 151; 27: 378.

[55] Ibid., 152; 27: 379.

[56] Crowther, 19.

[57] Kant, *Lectures on Ethics*, 124; 27: 342.

> We have *obligationes internae erga nosmet ipsos*, in regard to which we are outwardly quite free; anyone can do what he chooses with his body, and that is no concern of anyone else; but inwardly he is not free, for he is bound by the necessary and essential ends of mankind.[58]

The duties to oneself are what bind men inwardly with regards to their body. It is through these duties which Kant sought to establish "the autocracy" [59] of the mind over the body. It would not be an exaggeration if I argue that these duties are of great importance for Kant's overall system of morality. Kant himself accused all those before him and declared "all philosophical systems of morality are false" in this regard because they all regarded these duties "as a supplement to morality."[60] According to Kant, duties to oneself are so important that in their absence "there would be no duties whatsoever and so no external duties either."[61] Accordingly, in his lectures, Kant went as far as to declare that "[t]he self-regarding duties are the supreme condition and *principium* of all morality, for the worth of the person constitutes moral worth."[62] It is precisely at this point Allen Wood stressed that these duties "are not duties to *benefit* yourself, but duties to be worthy of your own humanity as an end in itself, which is the basic value and motive of all ethics"[63]and these duties eventually boil down to virtues and vices. According to some scholars,[64] Kant based these duties on the aptly called 'formula of humanity,'[65] which famously instructs: "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means."[66]

Similar to the duties "to other human beings," Kant divided "duties to ourselves" into two: "perfect and imperfect duties."[67] In order to avoid go-

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[58] Kant, *Lectures on Ethics*, 61; 27: 269.

[59] Ibid., 151; 27: 378-379.

[60] Ibid., 122; 27: 340.

[61] Immanuel Kant, *The Metaphysics of Morals*, trans. Mary Gregor (New York: Cambridge University Press, 1991), 214; 6: 417, 24-25.

[62] Kant, *Lectures on Ethics*, 125; 27: 344.

[63] Allen W. Wood, "How a Kantian Decides What to Do," in *The Palgrave Kant Handbook*, ed. Matthew C. Altman, 263-284 (London: Palgrave Macmillan, 2017), 270.

[64] Ibid., 275; Sensen, 300.

[65] Christine M. Korsgaard, "Introduction," in *Groundwork of the Metaphysics of Morals*, ed. Mary Gregor, ix-xxxvi (Cambridge: Cambridge University Press, 1997), xxi.

[66] Kant, *Groundwork*, 38; 4: 429, 9-13.

[67] Ibid., 31; 4: 421, 21-23.

ing into too much detail, I would like to note that it is the *perfect* duties to oneself that concern this essay. More specifically, it is those which Kant considered under "*subjective* division" which corresponds to the "[...] one in terms of whether the subject of duty (views) himself both as an animal (natural) and moral being or only as a moral being."[68] The one of the vices which are considered under this division is related to sex – "the unnatural use of his *sexual inclination*"[69] – and I would like to expand upon this subject since it is the plane in which we face "the constant threat of moral devolution."[70]

VI. Sexuality and masturbation

According to Kant, pleasure has a threefold structure: 'animal pleasure,' 'human pleasure,' and 'spiritual pleasure.'[71] What concerns this paper is the animal pleasure, which for Kant, "[...] consists in the feeling of the private senses."[72] This concern is justified given that 'gratification' – and also pain, as Hengehold[73] rightly pointed out – is a bodily phenomenon for Kant. The concept of gratification is the focus because all the system of discipline discussed above that is needed is perhaps the most evident when it comes to sex, according to Kant. Sex, for Kant, is where the line between our animality and humanity[74] is most blurred and we are under the threat of degrading our humanity[75] since our bodies are the epicenter.[76] This is precisely so not only because Kant believed that "[...] what happens in human sexual relations that leads to a condition compromising the moral standing of the partners,"[77] but also, these relations are susceptible to "unnatural vices" such as "homosexual sex, bestiality and masturbation."[78]

The first condition is the defining feature of sexual relations which is "both natural and inevitable:"

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[68] Kant, *Metaphysics of Morals*, 216; 6: 420, 7-11.

[69] Ibid.

[70] Kneller, 465.

[71] Immanuel Kant, *Lectures on Metaphysics*, trans. Karl Ameriks, and Steve Naragon (Cambridge: Cambridge University Press, 1997), 64; 28: 248.

[72] Ibid.

[73] Hengehold, 90.

[74] Helga Varden, "Kant and Sexuality," in *The Palgrave Kant Handbook*, ed. Matthew C. Altman, 331-351 (London: Palgrave Macmillan, 2017), 348.

[75] Denis, 231.

[76] Is it perhaps because of this dangerous condition with sex that Kant has a consistently angry tone while writing/talking about the issue? See Varden, 332; Alan Soble, "Kant and Sexual Perversion," *The Monist* 86, no. 1 (2003): 64.

[77] Herman, 59.

[78] Denis, 232.

> [...] that sexual interest in another is not interest in the other as a person. Insofar as one is moved by sexual appetite, it is the sex (the eroticized body, the genitalia) of the other that is the object of interest.[79]

That is, as Herman continued explaining, "the objectification of the other."[80] The inevitability of such a threat to morality and the accompanying 'unnatural vices' led Kant to argue that "sexual appetite must be regulated by the principles of practical rationality."[81] In this light, the institution of marriage represented the optimal solution for Kant in which partners would be the least morally compromised. Thus, Kant is among one of those who contributed to the confinement of sexuality into the home and more specifically, into "the parent's bedroom."[82] As Kneller noted that – after having provided Bertolt Brecht's remarkable take on Kant:

> Kant's most important single statement on marriage, sex and family is located squarely within his discussion of property rights in the 'Doctrine of Right' in the *Metaphysics of Morals* in which he described marriage as "[s]exual union in accordance with principle" which at the same time had to be "[...] of different sexes for lifelong possession.[83]

What made sex agreeable for Kant under "the sole condition" of marriage was precisely the contractarian nature of the institution:

> [...] But if I hand over my whole person to the other, and thereby obtain the person of the other in place of it, I get myself back again and have thereby regained possession of myself; for I have given myself to be the other's property, but am in turn taking the other as my property and thereby regain myself, for I gain the person to whom I gave myself as property. The two persons thus constitute a unity of will.[84]

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[79] Herman, 60.

[80] Ibid., 59-60.

[81] Ibid., 70.

[82] Foucault, 3.

[83] Kneller, 447.

[84] Kant, *Lectures on Ethics*, 158-159; 27: 388.

As Helga Varden noted, Kant's faith in the institution of marriage was so strong that he declared that "[a]ll other forms of sexuality are corruptions of our nature resulting from our propensity to evil."[85] In his lectures, Kant casted a wide net and instructed his pupils that "[a] *crimen carnis* is a misuse of the sexual impulse. Every use of it outside the state of wedlock is a misuse of it, or *crimen carnis*."[86] And, as I will argue in the following section, such "criminal acts" have dire consequences within the confines of Kantian morality. Let us now, for the sake of the argument of this essay (and airing the 'evil' of its author), indulge in a subject which Kant deemed to inhabit "unnatural lust,"[87] that is, of course, masturbation.

VII. Masturbation and the ban

For Kant, the feeling of the sublime does more than just "reminding and preparing" us for our moral vocation. Clewis[88]explained that in addition to manifesting the practical freedom of a person, the sublime also "reveals the subject's membership in a moral order in which there are other free persons who are likewise subject to the demands of morality."[89] According to Goodreau,[90] the sublime serves as a basis for such community because of the fact that it is a "mental state" so "we expect that any other similarly constituted mind (any rational being) will experience a similar mental state when in the presence of the given object." Following Kant's line of thinking, the more one can transcend "every propensity, inclination and natural tendency of ours," the more esteemed one is in such moral order. Thus, Kant asserted that: "[...] so much so that the sublimity and inner dignity of the command in a duty is all the more manifest the fewer are the subjective causes in favor of it and the more there are against it [...]"[91] and concluded a few pages later that:

> [...] it is just in this independence of maxims from all such incentives that their sublimity consists, and the worthiness of every rational subject to be a law-giving member in the kingdom of ends; for otherwise he would have to be represented only as subject to the natural law of his needs.[92]

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[85] Varden, 343.

[86] Kant, *Lectures on Ethics*, 161; 27: 391.

[87] Kant, *Metaphysics of Morals*, 220; 6: 424, 33-34.

[88] Clewis, 140.

[89] Ibid., 15.

[90] Goodreau, 92.

[91] Kant, *Groundwork*, 35; 4: 425, 27-31.

[92] Ibid., 46; 4: 439, 7-12.

As I will argue, it is precisely from this community Kant excommunicates those who act "under the sway of animal impulse," because in doing so, they put themselves in a position where they cannot "demand to have rights of humanity."[93]

Masturbation (among several other 'abominable' acts in Kant's eyes) is acting under such animal impulse and Kant genuinely despised it. In fact, he despised this criminal use of the body that arises out of a "beastly vice"[94] so much that he argued it did not even merit mentioning its name as "[...] such crimes are unmentionable, because the very naming of them occasions a disgust that does not occur with suicide."[95] Accordingly, in *Metaphysics of Morals*, Kant discussed masturbation under the "vice" of "defiling oneself by lust."[96] As I have pointed out above, Kant regarded this lust as "unnatural" simply because the person's "[...] use of his sexual attributes" is directed to "mere animal pleasure, without having in view the preservation of species."[97] Charles Kielkopf who also 'condemned'[98] masturbation explained Kant's teleological argument in a Kantian fashion and he argued that: "[...] the physical or animal satisfaction of masturbation is innocent while revealing that the masturbator's maxim or policy expresses rebellion against human sexuality."[99] Even though, Kielkopf's arguments sound like the reminiscent of one of the "four great strategic unities"[100] in Foucault's analysis, Kant's teleological argument is not that important with regards to the issue of masturbation. As Alan Soble pointed out,[101] even though Kant opens the section with this teleological argument, he based most of his "blanket condemnation" on the "formula of humanity." Indeed, he often compared these "crimes" with suicide and found suicide more honorable:

> [...] murdering oneself requires courage, and in this disposition, there is still always room for respect for the humanity in one's own person. But unnatural lust, which is complete abandonment of oneself to animal inclination, makes man not only an object of enjoyment

[93] Kant, *Lectures on Ethics*, 71; 27: 1428.

[94] Ibid., 153; 27: 380.

[95] Ibid., 161; 27: 392.

[96] Kant, *Metaphysics of Morals*, 220-221; 4: 424.

[97] Ibid., 221; 4: 424, 1-5.

[98] Charles Kielkopf, "Masturbation: A Kantian Condemnation," *Philosophia* 25, nos. 1-4 (1997): 229.

[99] Ibid., 225-226.

[100] Foucault, 103-104.

[101] Soble, 61.

> but, still further, a thing that is contrary to nature, that is, a *loathsome* object and so deprives him of all respect for himself.[102]

As the excerpt above also illuminates, the consequences that the masturbator has to suffer are solely regarded to the respect in his own personality and in the eyes of other persons. As Samuel J. Kerstein pointed out,[103] according to Kant, "[i]n the kingdom of ends everything has either a *price* or *dignity*"[104] and only humanity has a dignity in this kingdom. Since, Kant considered the refraining oneself from the act of masturbation under "perfect duties to oneself,"[105] there is "no exception in favor of inclination"[106] and the violation brings about dire consequences for the masturbator. This is where "the ban" emerges in Kant's realm of morality "as the force of simultaneous attraction and repulsion that ties together the two poles of the sovereign exception: bare life and power, *homo sacer* and the sovereign."[107] According to Kant, "[...] the man who has violated the duties to himself has no inner worth,"[108] because "[b]y his beastly vices, man puts himself below the beasts"[109] and thus, I argue, turns himself into something that is similar to "the werewolf."[110] Kant asserted:

> [...] That which a man can dispose over, must be a thing. Animals are here regarded as things; but man is no thing; so if, nevertheless, he disposes over his life, he sets upon himself the value of a beast. But he who takes himself for such, who fails to respect humanity, who turns himself into a thing, becomes an object of free choice for everyone; anyone, thereafter, may do as he pleases with him; he can be treated by others as an animal or a thing; he can be dealt with like a horse or dog, for he is no longer a man; he has turned himself into a thing, and so cannot demand that others should respect the humanity in him, since he has already thrown it away himself. [111]

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[102] Kant, *Metaphysics of Morals*, 221; 6: 425, 30-36.

[103] Samuel J. Kerstein, "Treating Oneself Merely as a Means," in *Kant's Ethics of Virtue*, ed. Monika Betzler, 201-218 (New York: de Gruyter, 2008), 207.

[104] Kant, *Groundwork*, 42; 4: 434, 1-3.

[105] Kant, *Metaphysics of Morals*, 218; 6: 421, 5.

[106] Kant, *Groundwork*, 31; 4: 421.

[107] Agamben, *Homo Sacer*, 110.

[108] Kant, *Lectures on Ethics*, 123; 27: 341.

[109] Ibid., 153; 27: 380.

[110] Agamben, *Homo Sacer*, 105.

[111] Kant, *Lectures on Ethics*, 147.

Kant pronounced this thing as "homo sacer" as he transformed him into something which is "the one with respect to whom all men act as sovereigns."[112] After all, as Agamben argued, what is sovereignty but "[...] the 'law beyond the law to which we are abandoned?'" [113]

VIII. Conclusion

In one of his relatively recent works, Agamben, in fact, described a rather constant conceptualization of man in Kant's corpus where he emphasized Alexandre Kojéve's definition of man as "a field of dialectical tensions" and asserted that:

> Man exists historically only in this tension; he can be human only to the degree that he transcends and transforms the anthropophorous animal which supports him, and only because, through the action of negation, he is capable of mastering and, eventually, destroying his own animality [...][114]

Indeed, Kant's writings on the masturbator, the homosexual or "the Negro"[115] boiled down to this central concern that is, who should be considered human? In all these cases, Kant condemned the non-human beyond mere animality and in this essay I have tried to argue that it is precisely *bare life* where Kant condemned the non-human. In doing so, the West's "thinker of human dignity" did indeed produce "oppressive texts."[116] In this regard, similar to Soble,[117] I cannot help but think how horrifying it must have been for the students of

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[112] Agamben, *Homo Sacer*, 84.

[113] Ibid., 59.

[114] Giorgio Agamben, *The Open: Man and Animal*, trans. Kevin Attell (Stanford: Stanford University Press, 2004), 12.

[115] See e.g.: Robert Bernasconi, "Kant as an Unfamiliar Source of Racism," in *Philosophers on Race: Critical Essays*, eds. Julie K. Ward, and Tommy L. Lott, 145-166 (Malden, and Oxford: Blackwell Publishers, 2002); Emmanuel Chukwudi Eze, "The Color of Reason: The Idea of 'Race' in Kant's Anthropology," in *Postcolonial African Philosophy: A Critical Reader*, ed. Emmanuel Chukwudi Eze, 103-140 (Cambridge, and Oxford: Blackwell Publishers, 1997); Emmanuel Chukwudi Eze, "Philosophy and the 'Man' in the Humanities," *Topoi* 18, no. 1 (1999): 49-58; Ronald Judy, "Kant and the Negro," *Surfaces* 1 (1991): 1-64; Charles Mills, "Kant's Untermenschen," in *Race and Racism in Modern Philosophy*, ed. Andrew Valls, 169-193 (Ithaca, and London: Cornell University Press, 2005).

[116] Alain David, "Negroes," in *Race and Racism in Continental Philosophy*, eds. Robert Bernasconi, and Sybol Cook, 8-18 (Bloomington, and Indianapolis: Indiana University Press, 2003), 11.

[117] Soble, 81.

Kant while the philosopher of morality condemned you and pronounced you a lowly thing just because of who you are or what you do.

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