

## Egalitarian sexism: Kant's defense of monogamy and its implications for the future evolution of marriage II

Stephen R. Palmquist

### Abstract

This second part of a two-part series exploring implications of the natural differences between the sexes for the cultural evolution of marriage considers how the institution of marriage might evolve, if Kant's reasons for defending monogamy are extended and applied to a future culture. After summarizing the philosophical framework for making cross-cultural ethical assessments that was introduced in Part I and then explaining Kant's portrayal of marriage as an antidote to the objectifying tendencies of sex, I summarize Kant's reasons for rejecting polygamy and for viewing monogamy as the only ethically acceptable form of marriage. Finally, I argue that if we apply Kantian principles to the real situation of marriage in many modern cultures, and if we wish to maintain a legitimate place for marriage in the future evolution of human culture, then the future evolution of marriage laws must recognize polyfidelity (i.e., plural marriages for both men and women) as being just as legitimate as monogamy.

**Keywords:** Immanuel Kant; sexism, marriage law, egalitarian ethics, cross-cultural assessments, monogamy, polygamy, polyfidelity

### Kant on marriage as an antidote to the objectifying tendencies of sex

Part I of this two-part series (Palmquist, 2017) examined two key issues relating to Kant's various claims about women, many of which are likely to offend twenty-first century readers. First, I examined whether, as some critics have claimed, these claims necessarily contradict the egalitarian ethics that Kant so famously defends in works such as *Groundwork of the Metaphysics of Morals* and *Critique of Practical Reason*. Second, I assessed whether recent interpreters are justified in condemning Kant himself as a sexist on the basis of his controversial claims about women.

I addressed these two topics against a background of the philosophical framework for making cross-cultural ethical assessments, proposed in the second section of Part I. This new framework revolves around the following key definitions and distinctions, which are presupposed here in Part II: (1) a *sexist* is a person who believes there are significant natural differences between males and females, whereas a *non-sexist* rejects this claim; (2) claims about *natural* differences (or differences in *nature*) may be limited to biologically based characteristics about the sexes or they may extend to include *culturally* conditioned (especially *social-psychological*) differences as well;<sup>1</sup> (3) sexism can be either *domineering*

<sup>1</sup> Feminist scholars have differing views on whether nature predisposes men and women to be essentially different. Whereas many (especially early) feminists sought to downplay or even reject the idea that our biological nature gives rise to any essential social-psychological differences, so that any *de facto* differences in the latter realm ought to be opposed and eventually eliminated in the search for absolute equality (see e.g., Denis, 2001, pp. 20–21), some have actually emphasized and sought to increase awareness of such differences. Among those feminists who, like Kant, see real *equality* between the sexes as integrally bound up with an accurate awareness of how women are naturally *different* from men, Luce Irigaray is among the most influential. She challenges Kant's notion that everyone unavoidably experiences self-love, claiming that men and women experience self-love in very different ways. But in discussing this point, La Caze notes that for Irigaray, "sexual difference is more fundamental than all other differences" (La Caze, 2005, p. 105) – a point Kant would affirm, though of course the two had very different theories of *how* ethics and law must take this difference into consideration in order to create a society of justice and equality. Irigaray "argues that women and men cannot truly love where women are oppressed" (La Caze, 2005, pp. 106–107); that is, they must be "in a relationship that is not submissive to one gender" but wherein the rights of both sexes are protected by being "written into the

or *egalitarian*, where the former refers to the blameworthy belief that the allegedly natural differences between the sexes justify a person in *controlling* persons of the opposite sex, while the latter refers to the innocent belief that these differences are relevant *only* insofar as one's society must consider them in order to introduce cultural norms in an effort to create equality between the sexes; and (4) when making ethical assessments of persons from other cultures, we must judge such persons according *their* cultural context, not according to our own.

On the basis of this framework, Part I concluded that Kant *was* a sexist, but an *egalitarian*, not a domineering one, and that persons from other cultures (including, for example, everyone reading this series of articles) are therefore *not* justified in accusing Kant of being objectionably sexist merely because many of his comments and views would be inappropriate and/or offensive if they were expressed by someone in *our* cultural context. Part II now applies this framework to broader ethical issues by exploring the *evolution* of marriage through a series of four Kant-inspired examples of cross-cultural ethical assessment. Part I dubbed these paradigmatic examples “culture-k” (for the society of *Kant's* day, in which Christian ethics typically set the norms), “culture-p” (for a *pre-Kantian* society such as those depicted in the Old Testament, in which polygamy is allowed), “culture-m” (for modern day cultures in which marriage is legally defined as monogamous), and “culture-f” (for a proposed future society, where cultural norms will have evolved still further).

In the remainder of this section I explain how Kant's theory of marriage serves as an antidote to the objectifying tendencies of sex. As I briefly noted in the prequel, when discussing Kant's overall view of the nature of women, his theory is often derided as an outmoded expression of his personal sexism. Taking this theory of marriage as a basis for culture-k, the next section examines Kant's assessment of the pre-Kantian tradition of polygamous marriage (i.e., culture-p), which he regarded as an expression of an objectionable (domineering) form of sexism on the part of males toward females, then employs Kant's way of reasoning as the basis for questioning the continued value of anti-polygamy laws in the advanced stages of culture-m. The third and fourth sections then come full circle by arguing that the preference for monogamy in culture-m can itself promote domineering sexism, especially when viewed from the standpoint of a presumed future culture wherein plural marriage *by either sex* is both legal and culturally acceptable.

In his *Conjectural Beginning of Human History* Kant interprets the biblical story of Adam and Eve as an illustration of the conflict all human beings experience between nature and freedom. Nature, in the form of biological instinct, gives us certain desires that are essentially good. However, human imagination creates “artificial desires” that present us with options that give birth to our rational capacity for free choice. The story of the Fall uses hunger for the “forbidden fruit” as a symbol of these desires, but the lesson applies to all appetites, including the human sex drive. Once Adam's capacity for free choice is activated, according to Kant's reading of the story (Kant, 1963, pp. 111–112), he “discovered in himself a power of choosing for himself a way of life, of not being bound without alternative to a single way, like the animals.” In terms of the aforementioned framework for making cross-cultural assessments of ethical situations, Kant is here describing the origin of what I previously referred to as the distinction between “biological nature” and “social-psychological nature”.<sup>2</sup> That is, our free

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legal code” (La Caze, 2005, p. 107, quoting Irigaray's *Sexes and Genealogies*, p. 4). Interestingly, Irigaray (like Kant) does not want these rights to be *identical*, but rather claims they should be “*sexuate*” rights, “rights particular to each sex” (La Caze, 2005, p. 107, quoting Irigaray, p. 133), for only by taking our sexual nature into account can laws be constructed that will encourage genuine equality. This (Kantian!) claim will play a key role in the argument I advance in the second half of this article.

<sup>2</sup> In Part I of this series, I define “biological nature” as any characteristic of one sex that applies to its members from birth as a result of the physical make up that they did not choose; by contrast, “social-psychological nature” refers to the deeply ingrained habits that are part of a person's character because they were instilled into

choices as to how we will live determine how we will cope with our natural desires, including the desire for sex. In *Religion within the Bounds of Bare Reason* (6:26–27), he makes essentially the same point, portraying the impulse to sex as a key aspect of our predisposition to *good*, because it promotes life, but then warning that it is easily corrupted, when reason comes into play, through our power to *compare*.

In nonhuman animals, the natural desire for sex poses no inherent problem; but once human reason has been awakened, so that the ethical responsibilities accompanying freedom must be taken into consideration (namely, our duty to respect humanity both in ourselves and in other persons), our sex drive gives rise to a major ethical dilemma. According to Kant, engaging in sexually pleasurable behavior necessarily entails being treated as an *object* of pleasure by another person. He argues: “The desire which a man has for a woman is not directed towards her because she is a human being, but because she is a woman; that she is a human being is of no concern to the man; only her sex is the object of his desires. Human nature is thus subordinated” (Kant, 1930, p. 164).<sup>3</sup> Kant’s categorical imperative commands us not to treat persons (including ourselves) *merely* as a means of self-gratification, so in order to remain morally good, our sex drive must be moderated by some rational safeguard that insures the persons enjoying such animal behavior will continue to uphold the rational requirement to respect each other as persons. Kant thinks that safeguard is the socially sanctioned, legal institution of marriage: “Sexual union in accordance with principle is *marriage* ... that is, the union of two persons of different sexes for lifelong possession of each other’s sexual attributes” (Kant, 1991, p. 277).

The key to Kant’s definition of marriage is that it forces sexual union to *conform to a rational principle*. Lara Denis (2001, p. 10) isolates five basic aspects of Kant’s principle of marriage: “(a) [the] partners have reciprocal use of each other as sexual objects, that (b) these rights extend beyond control over the others [*sic*] sexual organs to the ‘whole person,’ and that this relationship is (c) monogamous,<sup>4</sup> (d) permanent, and (e) legally enforceable.” Kant’s point in defining marriage as a sexual contract is not that procreation alone is the *purpose* of marriage. Quite the contrary: procreation is nature’s purpose in giving us a *sex drive* (Kant, 1991, pp. 277, 424–426; Kant, 1997, p. 391; Kant, 1974, pp. 303, 310); see also Kant’s Critique of Judgment (p. 425).; the purpose of marriage is to enable us to satisfy that natural drive in a morally justifiable way, just as the purpose of any contract is to ensure that the potentially conflicting desires of the contracting parties can be satisfied without one party unduly dominating the other. Once a marriage begins, Kant sees no problem with the partners having sex even in situations where procreation is unlikely or even impossible, because the nature of their union is such that it *could* be used for procreation. Soble ignores this point when he claims Kant “has killed his reliance on nature’s end” by allowing non-procreative sex (Soble, 2003, p. 68). For Kant, non-procreative sex still satisfies a secondary end of nature (i.e., happiness), as long as the partners mutually *enjoy* the experience (e.g., Kant, 1991, p. 62). Soble acknowledges Kant’s appeal to this second end of nature, but claims he is inconsistent in his appeal to it. Soble points out, quite rightly, that if pleasure is accepted as an independent end of nature, this could be used to justify homosexual marriage as well (Soble, 2003, p. 69). But because Kant tends to downplay (or even reject) uses of sex that *could only* be for pleasure (i.e., uses that could *never possibly* end in procreation), Soble ridicules a mere caricature of Kant’s position: “The only permissible marital sex is boring marital sex” (Soble,

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him or her at an early age through explicit and/or implicit education concerning what is “proper” for his or her sex (Palmquist, 2017).

<sup>3</sup> Page references to translations of Kant’s writings normally refer to the pagination in the relevant volume of the *Akademie Ausgabe*; only in cases where the translation does not specify the German pagination do I provide the English page numbers, as here; I indicate the latter by putting the page number(s) in parentheses.

<sup>4</sup> In the concluding section of this paper I explore the possibility that a marriage principle that does not require monogamy might be rationally justifiable for some culture-f.

2003, p. 77).

As we saw in the prequel and will examine further in the following section, Kant advances a similar argument to defend monogamous marriage as superior to polygamy. He thought monogamous marriage is the only morally justifiable way to overcome what he took to be the key problem relating to sex, that in agreeing to have sex with another person, we allow ourselves to be used as a “thing”, an object of the other person’s sexual pleasure. Whereas marriage is traditionally conceived as an expression of one’s dutiful commitment to another person (e.g., to love, protect, obey, etc.), Kant depicts it as providing an external (legally binding) means of fulfilling a person’s duty to *oneself*, not to disrespect the humanity in one’s own person while satisfying one’s sexual desires. It avoids this disrespect in two ways: first, by requiring the partners to share equal ownership of all their *personal property*, it creates a new “moral person”, so that in sex the marriage partners do not *merely* treat each other as objects of pleasure but also express respect for the personhood of their shared identity; and second, it encourages equality between the sexes by ensuring that each partner contributes to the household in a manner that befits his or her nature. Contrary to the claims of critics who deride Kant for being sexist (as discussed in Palmquist, 2017), Kant insists over and over that the marital relation must be characterized by radical equality of rights.

Pateman interprets Kant’s pleas for equality in marriage as an “adept sleight of hand” whereby he only *pretends* to be giving women such a role, inasmuch as he in fact excludes women from the public sphere (Pateman, 1988, pp. 171–172). Against Pateman’s claim that Kant is “inconsistent” in portraying women as freely agreeing to a marriage contract when they lack “civil personality”, Wilson points out that Kant also viewed many males as passive citizens and that this classification did not prevent a person from entering into contracts or even owning property (Wilson, 2004, p. 119). Wilson follows Barbara Herman in taking Kant’s idea of merged personality in marriage so seriously that the spouses appear to compromise their individual autonomy (Wilson, 2004, p. 112). In this context Wilson clarifies that Kant neglects love in his theory of the marriage contract simply because the purpose of the latter is to provide “an *external* mechanism” that will guarantee equality *whether or not* the couple’s emotional attachment to each other persists (Wilson, 2004, p. 113). The state’s role in all of this is “to secure the personal space within which individuals can develop their own moral personality” (Wilson, 2004, p. 121).

A thorough examination of Kant’s theory of sex and sexuality is beyond the scope of this paper, though it would have to be carried out in order to present a complete assessment of the acceptable and unacceptable aspects of Kant’s sexism. Commentators disagree, for example, on the issue of whether Kant’s view of sex is consistent with feminist accounts – partly because feminist writers themselves hold differing positions on the nature and purpose of sex (see note 1, above). Mendus views Kant’s position as opposed to the common feminist allegation that heterosexual sex specifically objectifies *women*. As she rightly explains: “In Kant’s eyes, sex represents just as much an exploitation of the man by the woman as of the woman by the man” (Mendus, 1992, p. 31). Thus de Laurentius observes that “Kant’s conception of sex in marriage has more in common with the generic feminist claim ... than expected, though he extends this conception to both parties involved” (de Laurentius, 2000, 299n). Kant’s view of sex, in this sense, may be more egalitarian than that of the many recent writers who, in their efforts to combat sexism, tend to view sexual objectification as an *exclusively* male vice. In any case, for our purposes we may give Kant the benefit of the doubt and assume he is right that sex objectifies *both* parties. As such, a key aim of this article is to answer the question: *if* Kant is right about the objectifying nature of sex, then can we glean anything from his theory of marriage as the solution to this problem that will be instructive for culture-m?

Although many today would disagree with Kant’s claim that to engage in sex is to allow

oneself to be treated as a “thing”, or that in marriage the partners exchange *ownership* of their sexual organs, we must accept this assumption as his basic starting-point, if we are to assess whether his view of women constitutes a domineering and thus objectionable form of sexism. A rare exception to the tendency merely to ridicule Kant’s theory of sex instead of rationally assessing it is Denis, who acknowledges its continuing relevance even today: “although Kant’s picture of sex is far from complete, I think that he has identified deep and morally troubling elements present in much of human sexuality. Sexual desire often does feel like an appetite for another person *qua* sexual partner; it often is difficult to continue fully to recognize the object of one’s sexual passion as an autonomous, separate person; and when one has sex with another person outside of marriage, it can feel as though one gives her one’s whole self, uncertain as to whether one is more than an object of enjoyment for her” (Denis, 2001, p. 9n).

Significantly, Kant does not actually say the marriage contract gives spouses ownership of each other’s *persons*. This would contradict what he says in *The Metaphysics of Morals*: “So a man can be his own master (*sui iuris*) but cannot be the owner of himself (*sui dominus*)..., let alone be the owner of other human beings, because he is accountable to humanity in his own person” (Kant, 1991, p. 270). De Laurentius (2000, p. 308) thinks Kant simply forgot about this principle when he described the nature of the marriage contract as one whereby the spouses “possess each other in respect of their whole moral disposition [*Gesinnung*]” (Kant, 1997, p. 27:677). However, neither Kant’s claim that spouses exchange ownership of certain *body parts*, nor his view that they somehow possess each other’s *moral Gesinnung*, needs to be read as contradicting his claim that we cannot totally surrender our moral accountability as *persons*; for in both cases the *spouse* – unlike the unmarried sexual partner – has publically promised to *return* what he or she has given away.

To appreciate the plausibility such a position had for Kant, we must keep in mind that the chief alternative to culture-k was not culture-m but culture-p. That is, for all its disadvantages when viewed from the perspective of our modern ethical presuppositions, Kant’s understanding of sex had the advantage of providing a solid foundation for upholding the superiority of monogamy over *polygamy*, its chief competitor in human history. With that in mind, let us therefore turn to examine Kant’s reasons for regarding only monogamy and not polygamy as an ethically acceptable form of marriage.

### **Kant’s rejection of polygamy and its implications for culture-m**

Anyone nowadays who portrays the practice of polygamy in culture-p as a direct result of a genuine natural difference, one that culture-m tends to neglect at its peril, runs the risk of being labeled a domineering sexist by those who treat monogamy as the highest possible stage in the evolution of marriage. Nevertheless, there may be a biological (evolutionary) explanation for why most ancient cultures allowed men to have multiple wives but not vice versa. It was not merely a matter of men selfishly desiring political and social-psychological domination over women – though a tendency to condone domineering sexism was undeniably a by-product of the patriarchy that shaped many concrete historical expressions of culture-p. Such practices arose in nearly every ancient and primitive culture because nature predisposes men to be more likely than women to seek out multiple sexual partners. One of several possible ways of justifying this controversial claim<sup>5</sup> relates to the example of biological nature cited in the first article in this series: the fact that a fertile man produces millions of sperm each day, whereas a fertile woman produces only one ovum per month means that one man could potentially father hundreds of children in a year, whereas one woman can have no more than one full term pregnancy in one year. The tendency of males to be polygamous and

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<sup>5</sup> For a more detailed discussion of this point (Palmquist, 2003, especially Lecture 11|).

females to be monogamous appears to be rooted in this “brute fact” about how members of each sex must behave in order to realize the full potential of their sexual nature. Evolutionary biology accepts as commonplace that the natural tendency of males to focus on “the hunt” (e.g., for more and more women) and of females to focus on “the nest” (i.e., nurturing the offspring) is grounded in countless millennia of behavior governed by natural selection: polygamous behavior maximizes the survival value of the male’s biological contribution to society, while monogamous behavior maximizes the survival value of the female’s biological contribution.

Culture-p (e.g., the type of culture reflected throughout most of the Old Testament) typically regards the social–psychological nature of women as inferior to that of men; as such, women are given and taken in marriage without considering their own free choice; once married, they are regarded as their husband’s exclusive property; husbands therefore make most if not all key decisions for the household, often without consulting their wives, whose proper role is to obey and follow, not to question. Polygamy is normal in culture-p, because people believe nature (or God) predisposes men to desire multiple sexual relationships and women to desire only one. For a man to have multiple wives is no more considered to be ethically wrong than it would be for him to own several houses, or more than one cow.

Kant’s view of marriage is a clear advance on that of culture-p because he explains why polygamy is morally wrong: whereas culture-p allows and even encourages men to treat women as collectible objects, Kantian monogamy *forces* men to treat women as equals, as far as their personhood is concerned. For, as Kant points out, “in polygamy the person who surrenders herself gains only a part of the man who gets her completely, and therefore makes herself into a mere thing” (Kant, 1991, p. 278).<sup>6</sup> He makes the same point in his *Lectures on Ethics*: “If only one partner yields to the other his person, his good or ill fortune, and all his circumstances, to have right over them, and does not receive in turn a corresponding identical right over the person of the other, then there is an inequality here” (Kant, 1997, p. 388). Polygamy is wrong, according to Kant, because it confers fundamentally unequal rights onto the spouses. It positively *encourages* domineering sexism, whereas monogamy as Kant portrays it encourages an egalitarian relationship that is achieved by assigning roles for the partners that aim to compensate for the differences in their sexual nature.

By the standards of both culture-k and culture-m, culture-p is blatantly guilty of domineering sexism; yet a fair assessment of the moral status of an individual polygamous man living within culture-p would require a prior understanding of how *his culture* would distinguish between domineering sexism and egalitarian sexism. (Of course, the term “sexism” is a recent invention, first coming into common usage in the late 1960s [Shapiro, 1985]. When I refer to domineering sexism and/or egalitarian sexism as existing in cultures prior to culture-m, I am therefore referring to the view people in such a culture *would* have held, had they formed a clear concept of sexism.) Gaining such an understanding in the case of a biblical character such as, say, King David, would require an examination of the various Mosaic laws whose purpose was to remind men that, in spite of (or perhaps even *because of*) the lower place women had, presumably by virtue of their nature, males must take care to respect females and not treat them improperly. The *Torah* contains an elaborate set of laws requiring, for example, that: a man is not to engage in sexual intercourse with another man’s wife; a man who rapes an unmarried woman must subsequently marry her; a brother, even if

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<sup>6</sup> In what follows, Kant criticizes not only polygamy, but several other marriage traditions that wrongly build inequality into the very nature of the contract (Kant, 1991, pp. 278–279). For substantial textual evidence that Kant saw the objectifying tendency of sex as a problem for *both* sexes, not only for the woman, so that marriage must solve the problem for both sexes equally (Wilson, 2004, pp. 106–118). Wilson points out that Kant’s rejection of polygamy, by contrast, focuses *only* on “a concern with the status of women in relationships of these sorts” (Wilson, 2004, p. 120).

already married, must marry the wife of his deceased brother if she has not yet given birth to children; when taking a new wife a man is not to divorce an existing wife merely out of disinterest but is to continue loving and supporting her along with the other(s); if divorce is deemed necessary for legitimate reasons, a husband must provide his ex-wife with a certificate of divorce; etc.<sup>7</sup>

These and other rules were designed to *protect* women against misuse by men. The charge that the rules themselves are an institutionalized form of domineering sexism, as someone from culture-m is likely to view them, would be incomprehensible to a person living within culture-p. While it would be quite proper to assess culture-p as a culture that *tends to tolerate* domineering sexism, it would not be right to regard every man (and certainly not every compliant woman) living in that culture as condoning domineering sexism. We should rather say that, within the context of culture-p, a person is guilty of domineering sexism if he or she does not abide by the rules that define how members of one sex are to *show respect* to members of the other sex, given that culture's understanding of nature.<sup>8</sup> These rules determine within that culture what constitutes inappropriate domination of women by men. The mere fact of being a polygamist, for example, would not suffice to make a man living in culture-p a domineering sexist – even though the whole of culture-p, by virtue of its acceptance of polygamy, may be judged to be immoral from the standpoint of culture-m. To be guilty of domineering sexism, a man living in culture-p would have to disrespect his spouse(s) and feel *justified* in doing so because a wife is *merely* a woman. By contrast, a man could live as an egalitarian sexist in a culture that encourages domineering sexism, provided he employs the rules of his culture as a means of showing respect to women, despite their presumed inferior nature. Though his actions would not be considered “equal treatment” for someone in culture-m, assessing his character in terms of the latter culture's rules of equality would be unfair to him.

Analogously, we may recognize someone as a “virtuous soldier” even if we regard the institution of war as *always* wrong. A pacifist may legitimately blame the soldier's culture for perpetrating the false notion that war is acceptable, while still honoring the soldier for being courageous, self-sacrificing, etc. However, a person who *recognizes* the wrongness of all war would probably make a bad soldier and can maintain virtue only by refusing to fight. Likewise, those who live in culture-m may be guilty of domineering sexism if they engage in the same activities that were acceptable for those who live in culture-p, because we can expect their awareness of what constitutes proper respect and equal treatment between the sexes to be greater. The range of attitudes and actions that can make a person in culture-m guilty of domineering sexism is far broader than the range for a person living in culture-p.

Were Kant to evaluate the moral status of someone such as King David, a polygamist living in culture-p, he would not cite culture-k's ban on polygamy as a rationale for accusing him of unfair treatment of women. A Kantian evaluation of such a person must be based on more fundamental principles, most notably, the categorical imperative. Thus, we must attempt to assess whether the man gave due respect to women as human beings, or treated them merely as a means to his own ends. What constitutes “due respect,” however, will differ markedly between different cultures. Kant demonstrates his sensitivity to cultural evolution when he describes an Indian wife who, living in a rather peculiar version of culture-p, *expected* her husband to beat her and therefore took offense at a foreigner who attempted to intervene (Kant, 1974, p. 304n). Kant's use of this story as an example of culturally

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<sup>7</sup> For examples, respectively, of biblical texts where these ethical rules are found, see: Deut. 22:22–25; Deut. 22:28–29; Deut. 25:5; Ex. 21:10; and Deut. 24:1–3.

<sup>8</sup> For a culture that takes its cues from the Old Testament, the natural differences between the sexes might be defined in terms of God's plan in creating Adam and Eve. But we need not explore here the details of how such a culture might describe those differences.

inappropriate ethical assessment suggests he would *not* argue as follows: polygamy is always wrong because it necessarily entails domineering sexism; King David was a polygamist; therefore he was guilty of domineering sexism. Rather, Kant's illustration indicates he requires cross-cultural assessments to respect the cultural norms of the person being assessed. A modern Kantian wishing to condemn David as a sexist would therefore need to look for signs of disrespect (unfair dominance) that were recognizable even within his culture-p.

In King David's case, as the well-known story relates, he did procure one of his wives through illicit means. Seeing the beautiful (but married) Bathsheba bathing on her rooftop, he lusted after her, sent her husband to the front lines of battle, then married her once he was killed. To the unknowing observer, everything seemed proper. But the Bible relates how the judge and prophet, Samuel, subsequently brought David to an inward awareness of his own guilt: even though he had obeyed the letter of the law, by not having sex with Bathsheba until she was no longer married, he had broken the *spirit* of the law (in this case, both the norms of his culture and the categorical imperative) by treating another person (Bathsheba's husband) merely as a means to his selfish end.<sup>9</sup> Although Samuel's accusation focuses primarily on David's disrespect towards the deceased husband, the fact that David was willing to use such a means to procure another wife is evidence that he was guilty of domineering sexism, even within the expectations of culture-p: his desire to possess Bathsheba's body did not show due respect to her prior commitment to another man. Of course, more evidence would be needed in order to make a fully informed character assessment of King David; but this is only a passing illustration.

Our main purpose in this section is not to evaluate whether the Bible portrays this story as illustrating domineering sexism, but to evaluate the charge that Kant's way of defending monogamy over polygamy makes him guilty of such a charge. Keeping in mind the foregoing, Kant-inspired account of how we can condemn a cultural norm without necessarily condemning those who follow it with good intentions, let us therefore return now to the question of whether Kant can be exonerated from the feminist-led charge of domineering sexism. An aspect of Kant's alleged sexism that we have not yet considered is at one and the same time regarded by many commentators as his worst offense (supposedly showing that his other sexist claims *did* encourage men to dominate women after all) and yet ironically may also provide the basis for a rather surprising (Kantian) assessment of culture-m as it relates to the future cultural evolution of marriage.

Kant distinguishes at several points between active citizens (who have the right to vote) and passive citizens (who depend on others for their livelihood and therefore should not be allowed an independent voice in matters of public concern). In several offhand remarks, Kant seems to imply that being male is an absolute requirement for being a full or "active" citizen. For example, in 1793 Kant writes: "The quality requisite to this [i.e., to being a citizen], apart from the *natural one* (of not being a child or a woman), is only that of *being one's own master (sui iuris)*" (Kant, 1996, p. 295).<sup>10</sup> Gangavane claims that with such comments Kant absolutely "excludes women from the category of active citizens" (Gangavane, 2004, p. 367). Likewise, Cash says: "[W]omen are *automatically* excluded from active citizenship.... [T]he first qualification Kant makes is that an active citizen must be an adult *male*" (Cash, 2002, p. 128).<sup>11</sup> But such uncharitable interpretations are far from being necessary; it is just as plausible to read Kant as merely saying that this was the *de facto* situation in culture-k – a claim whose accuracy nobody disputes: women did not normally participate in politics in Kant's day. Unfortunately, like most interpreters, Mendus reads into Kant's passing

<sup>9</sup> The fullest account of this episode in King David's life can be found in 2 Sam. 11–12. Psalm 51 is traditionally read as David's reflections on his guilt following this incident.

<sup>10</sup> See also Kant (1991, p. 126)

<sup>11</sup> For a thorough discussion of Kant's position on the citizenship of women (Mendus, 1992, pp. 23–30).

comments a view he never actually defends, that women are “by definition, incapable of independence” (Mendus, 1992, p. 30). She claims “it is undeniable” that in Kant’s view of women “the contingent facts of eighteenth-century German society are elevated to the status of eternal truths” (Mendus, 1992, p. 30). Kant is supposedly insisting on “the elevation of contingent practices to the status of requirements of reason” and is denying the possibility of “anything other than the status quo” (Mendus, 1992, p. 39). One of the main purposes of this two-part series is to provide a viable alternative to such uncharitable readings of Kant’s remarks about women.

Such offhand remarks need not be interpreted as prescriptive, especially since many of Kant’s other claims about civil society imply that women must be given the opportunity to raise themselves up to a position where they are qualified to take on the responsibilities of full citizenship. He insists, for example, that in a culture that distinguishes between active and passive citizens, “everyone be able to work up from this passive status to an active status” (Kant, 1991, p. 315). His offhand comments about women do not imply that women *will never* be able to do this, just as the same comments do not imply that *male children* will never be able to do so. As Mosser puts it: “Kant’s remarks about the dependence and passivity of women are in some sense politically accurate, given his era’s *de jure* and *de facto* denial to women of their own, independent identities” (Mosser, 1999, p. 345). Kant’s position reflects primarily that, up to that point, the vast majority of women had not in fact done so, and perhaps also that most people in culture-k would not understand why a woman would even *want* to do so, for it would seem to many as if she were choosing to lower her status by becoming like a man.

Within the context of a culture that does not allow women to vote, Kant’s insistence on monogamy makes perfect sense, as a necessary *equalizing* force for women. Kant himself emphasizes this when he encourages women not to shy away from marriage, reminding them that without a marital commitment, sex will inevitably end up putting women in a “degraded” position, as “a mere means for satisfying man’s desires”, and adding: “[I]t is by marriage that woman becomes free: man loses his freedom by it” (Kant, 1974, p. 309).<sup>12</sup> This might seem like a bad joke to readers in culture-m, or a sinister way of keeping women in domestic chains so they would not attempt to procure *genuine* external freedom by fully participating in public life; but Kant appears to have taken it seriously. A monogamous marital commitment eclipses a man’s freedom to fulfill his natural biological predisposition to seek out multiple sexual relationships, as Kant assumes a typical man will have done (or at least would *want* to do) prior to marriage, whereas it enhances a woman’s natural biological predisposition to nurture and care for a family by providing her with financial protection (Kant, 1974, p. 309). Moreover, marriage limits a man’s freedom to express his own social–psychological nature as an independent participant in public life by requiring him to consider the interests of his wife, whereas it provides a woman (through her proper role as ruler over her husband’s inclinations) with access to a realm of public freedom that would otherwise be closed to her in

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<sup>12</sup> Mendus and Gangavane argue that Kant’s emphasis on reciprocity between husband and wife is not enough to guarantee true equality (Mendus, 1992, p. 32; Gangavane, 2004, p. 366). As long as Kant denies women a fully equal status in public life (Gangavane, 2004, p. 366), this inevitably “leads to inequality within the family, as the wife never receives a right over the person of the husband in the identical manner in which the husband has right over the wife.” While Kant would fully agree that the reciprocal rights are not “identical”, he justifies his position by appealing to the natural differences between the sexes, claiming that *true* equality can come only when the social–psychological roles assigned to each are appropriate reflections of their respective biological natures. Thus he argues that juridical law must not contradict “the equality of the partners”, so any provisions it makes for the husband’s “dominance” must be “based only on the natural superiority of the husband to the wife in his capacity to promote the common interest of the household” (Kant, 1991, p. 279). What happens to the institution of marriage when a culture *denies* any such natural difference between the sexes, or decides that the woman is actually more capable in some respects than the man, will be discussed below.

culture-k, for the Kantian husband must regard himself as casting his vote on behalf of his wife, as her public proxy.

From the standpoint of culture-m, all of this seems disingenuous. Why not just give women direct access to citizenship and public life *on their own*? This, of course, is exactly what has happened in the transition from culture-k to culture-m. Indeed, emboldened by the newfound status of women as fully equal to men in their right to vote and to participate in public life, some feminists have sought to go *beyond* equality by promoting a kind of reverse sexism – as is aptly evidenced by the many writers nowadays who regularly employ a new set of sexist pronouns, “she/her/hers” as *substitutes* for the old sexist language whereby “he/him/his” referred to both sexes. Thus, for example, Robin May Schott describes the project of “philosophical feminism” as that of taking “women’s experience *rather than men’s* to select the objects and methods of investigation” (Schott, 1998, p. 40).<sup>13</sup> If this emphasis is regarded merely as an attempt to balance an equal and opposite “masculinist” agenda, then it may be an acceptable strategy, at least until women have fully attained the goal of equal power and influence in a given culture. However, it must be viewed not as an ethical norm that is somehow “absolutely” true, but as a necessary step in the long-term process of cultural evolution – *just as Kant regarded his own theory*. In both cases, to justify the theory by demonstrating its *a priori* relation to the categorical imperative shows only that it *can* be regarded as an ethical norm, not that it must *forever* be regarded as such. What the more radical feminist approaches tend to neglect (and the reason we must look forward to a future culture that corrects this neglect) is that the version of the marriage principle Kant took as self-evident, as a result of the assumptions generally accepted by culture-k, may no longer be *appropriate* on Kantian terms, once culture-m develops to the point where women have obtained full political equality to men.

Contrary to the way many feminists read Kant, we need not read his view of women as “a categorical denial ... that anything other than the status-quo [i.e., the norms of culture-k] might be either feasible or permissible” (Gangavane, 2004, p. 371); rather, Kant’s open acknowledgment that ethical norms evolve looks forward to future changes in the way nature’s end might manifest itself in human culture. The question that ought therefore to be obvious (yet is almost never raised) is: if monogamy, as the principle of marriage necessary to render sexual relations moral in Kant’s day, worked by promoting a view of wives as subordinate to (i.e., fully free only through their private influence over) their husbands, then when culture evolves to the point where it abandons this view of the indirect role of women in public life, how does that affect the rational principle that ought to define the nature of marriage? If the unquestionable faith many in culture-m put in the absolute normative superiority of monogamy turns out to carry with it a new form of (typically hidden) domineering sexism, then culture-m may be making the same error many accuse Kant of making, namely that of “justifying the present injustice in the name of a just society which is supposed to emerge in some remote future” (Gangavane, 2004, p. 371).<sup>14</sup> To conclude this

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<sup>13</sup> She goes on to cite numerous examples of western dualisms that favor males (Schott, 1998, p. 42) and points out “that the prevailing psychological theories of moral development display a distinctly masculine bias” by focusing “on justice and rights” while devaluing the more feminine values of “care and responsibility” (Schott, 1998, p.43). The allegation that Kant’s philosophy supports such a devaluing has been challenged by Sedgwick and others (Palmquist 2017, note 35). For those who make such allegations are *confirming* Kant’s basic claim that the natural differences between men and women must be taken into consideration in any concrete application of ethical principles such as marriage. The claim that feminine psychology focuses not on “justice and rights” but on “care and responsibility” is ironically reminiscent of Kant’s supposedly offensive generalization that “women’s philosophy is ‘not to reason, but to sense’” (45, quoting Kant, 1960, p. 230[79]).

<sup>14</sup> Gangavane adds: “If both men and women are being used by nature to serve its own purpose, there is no reason for [society] to put unjust restrictions on women and to deny her [*sic*] the opportunity for moral development” (Gangavane, 2004, p. 373). Precisely this rationale, but applied to men, lies at the root of my prediction, in the remainder of this article, as to how marriage norms will evolve in the future.

study we shall therefore turn our attention to this possibility – i.e., to an assessment of the view upheld by culture-m, that an ethically justifiable marriage must be monogamous.

### **Polyfidelity as an antidote to the domineering sexism in anti-polygamy laws**

If asked why polygamy is (and ought to continue to be) illegal, a common response of many people in culture-m would be that such a law protects women from the dangers of domineering sexism.<sup>15</sup> This was quite true and proper in the context of culture-k, where women were still typically regarded as subordinate to men, due to the influence nature was believed to have on the proper social–psychological roles played by the sexes. Any culture that portrays nature as having given women more of an ornamental value than an independent power of choice needs to have laws preventing men from taking advantage of this situation by merely *collecting* women for their own enjoyment, lest it institutionalize domineering sexism. The imposition of such increasingly effective laws is a major factor that justifies the claim that culture-k is morally superior to culture-p and so also, that culture-m is morally superior to culture-k.

Kant pushed culture-k beyond its previous comfort zone, providing the philosophical foundations for the transition from culture-k to culture-m. He did this, as I argued in Part I, by developing a moral philosophy that completely ignored the natural differences between the sexes and a cultural anthropology that viewed these differences as complementary functions that can work together for the good of the whole, rather than as functions that justify members of one sex in disrespecting members of the other sex. Once Kant's philosophy has had its full effect, once culture-m reaches the level of maturity whereby all or the vast majority of its members agree that men and women (whether or not they have different natures) must be accorded *equal levels* of respect and freedom, the types of laws that will be appropriate to guarantee the further growth and development of the human race in that future culture will need to be revised accordingly.

The foregoing speculation raises a fascinating question: is it possible that, even though most people today may be unaware of condoning a form of oppression, culture-m has institutionalized a new and very different kind of sexism?<sup>16</sup> Kant, of course, would not see culture-m in this way, for he defended monogamous marriage as fulfilling “the end of humanity in respect of sexuality” (i.e., “to preserve the species” through procreation) “without debasing the person” (Kant, 1930, p. 170). Legalized polygamy debased the humanity in women because it sanctioned an imbalanced relationship: the husband receives the whole woman but only gives her part of himself. Monogamy corrected this imbalance by regarding the wife as an equal even though strictly speaking (i.e., in terms of her *legal status* as a citizen) she was not. But once women obtain the same legal status as men, as they now have in most parts of the world, does the principle of monogamy still fulfill the sexuality of both persons in a manner that preserves equality and thus avoids debasing either partner? If Kant was right in claiming that the biological nature of men and women is fundamentally different,

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<sup>15</sup> In the USA anti-polygamy laws were introduced as a direct response to Mormonism, first by President Lincoln in 1862 and then more forcefully by President Arthur in 1882. While these laws were probably also motivated by economic and political concerns, the *explicit* rationale given was that Mormon plural marriage was oppressive to the women involved.

<sup>16</sup> Along these lines, Mendus concludes her harsh critique of Kant's sexism by warning that “to abandon eighteenth-century German values for twentieth-century British values is not necessarily an improvement, particularly if the philosophical model underpinning both is faulty” (Mendus, 1992, p. 41). Similarly, Elam argues that an open-minded interpretation of Kant's notion of a “beautiful woman” in the third *Critique* “can give feminism, for all its sophisticated assessment of the status of women in modernity, additional insight into how its own practices can avoid repeating the very injustices it has tried to redress” (Elam, 2010, p. 119) The beautiful woman's body, Kant says in §17, presents in visible form “the moral ideas that rule men inwardly”. Elam does not relate this passage to Kant's theory of the evolution of marriage, but it seems obviously consistent with his view that women's rule over men has a moralizing effect on them (Palmquist, 2017, p. 52).

and if the nature of women no longer calls for special consideration because they have obtained equality under the law, then a principle of union that continues to give their nature special consideration risks debasing the male sexually (though not politically and financially, as polygamy did to women in culture-p). If nature inclines the typical woman to be devoted to one partner, while the typical man is naturally inclined to seek out multiple partners, then in cultures where women enjoy absolute legal equality with men, what is the rationale for giving preference to feminine nature in the legal definition of marriage? As one moderate feminist says, “all rights should be ‘sexuate’ in the sense that they should serve, directly or indirectly, to secure for women *and men* the all-important ability to *enhance their sexuation* through culture” (La Caze, 2005, p. 112).<sup>17</sup> Does legally enforced monogamy still accomplish this goal at the most mature stage in the development of culture-m?

Commentators on Kant’s theory of marriage have noted, often disapprovingly, that he treats friendship, not marriage, as the highest expression of love.<sup>18</sup> He does so because true friendship as he conceives it is a relation between *equals*, partners who learn to balance the opposing forces of love and respect. Given the lower status of women in culture-k, Kant (like Aristotle) assumed true friendship, if it occurs at all, would be between persons of the same sex. Now that women have gained legal equality with men, this restriction is no longer applicable. We may therefore be able to enrich Kant’s conception of marriage by incorporating into it aspects of his theory of friendship. One such aspect is that friendships are not exclusive:<sup>19</sup> a person can have committed friendships with more than one person without offending any moral principle. This could not apply to marriage in culture-k because the law *forced* marriage partners who viewed each other as naturally unequal to *act as if* they were equal. But once the law *does* give women and men equal rights, monogamy serves no such purpose; instead, it unduly favors the feminine side of a sexual relationship, thus in effect debasing male sexuality by eclipsing the man’s natural tendency to prefer multiple concurrent sexual commitments.

The transformation of culture-m into culture-f will occur as people change their view of what laws can best protect both men and women from social-psychological abuse in their sexual interactions with each other. This change is already in the process of happening in many places, with an emphasis on the possibility of same-sex marriages for a minority of the population, but needs to be taken considerably further before its full implications for society in general become evident. Just as men in a fully matured culture-k agreed to sacrifice an aspect of their nature in order to promote greater equality between the sexes, women in a fully matured culture-m will need to agree to sacrifice their preference for viewing marriage as

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<sup>17</sup> La Caze quoting Alison Stone, “The sex of nature: A reinterpretation of Irigaray’s metaphysics and political thought”, *Hypatia* 18.3 (2003): 76, second emphasis added; cf. note 1, above.

<sup>18</sup> See, for example, Denis (2001). In Part Four of Palmquist (2003) I make the same claim about friendship.

<sup>19</sup> Denis shows how a richer, “ideal” view of marriage, one that is far more palatable to the modern reader, can be gleaned from Kant’s writings by incorporating key elements of his view of friendship into his theory of marriage (Denis, 2001, p. 26). However, Denis never mentions the possibility of extending this incorporation to the criterion of inclusivity. Instead, she *emphasizes* monogamy as a crucial aspect of Kant’s theory of marriage (Denis, 2001, pp. 10–13, 27) without acknowledging how friendship differs. Similarly, Cash argues that the duties Kant associates with marriage point not to his theory of spousal dominance and submission, but rather to a “unity of will ... something like the way Kant sees it achieved in friendship” (Cash, 2002, p. 125), where love and respect are ideally balanced in perfect unity, much as attraction and repulsion function as balancing forces in the physical world (cf. Kant, 1991, pp.469–70[261]). The reason this suggestion appeals so much to us today but did not even occur to Kant is that Kant assumed ideal friendship can be approximated only by persons of the same sex, whereas today (now that women have achieved political equality with men) the idea of male–female friendship causes no problem to anyone who has fully taken on the (allegedly non-sexist) values of culture-m. Once the significance of this enormous step in the post-Kantian evolution of human culture is taken into consideration, we can no longer blame Kant for not attempting to incorporate friendship into marriage. For a good account of Kant’s theory of the need for a balance between love and respect (La Caze, 2005, pp. 92–114).

exclusive in order to reflect the reality of their equal status with men in the public realm. The new principle of marriage as *polyfidelitous*<sup>20</sup> will still require some sacrifice from men, inasmuch as it requires them to be *faithful* to any partner with whom they have a sexual relationship – a trait Kant associates with feminine nature. But in culture-f, marriage law will accurately reflect the fully equal legal status of men and women by *not* assuming the old-fashioned view that having multiple concurrent sexual commitments necessarily debases women. Guarding against the tendency of sex to objectify and thus debase *both* partners equally, the new law will accord rights of shared personhood to any sexual partners who choose to be ethically responsible by committing themselves fully to the person(s) with whom they have sex. As such, the law will avoid one of the chief disadvantages that polygamy has for men (namely, that of making fewer women available for less advantaged men to choose from), inasmuch as it will allow females as well as males to have multiple legally binding commitments; neither sex will be protected *more* than the other. In other words, the law will be fully egalitarian, giving both women and men an identical right to make such multiple concurrent marital commitments for partners who mutually agree to such an arrangement. Of course, the law will not *require* plural marriage; many in culture-f will continue to find fulfillment in monogamy, while others may choose to continue what has already become the new standard in culture-m, which is simply to ignore the idea that sex partners ought to be married before they cohabit, rear children, etc. The main point of my argument is that the growing tendency to marginalize the significance of marriage – a direct result of the failure of marriage to fulfill its proper functions in culture-m – can be reversed *only* by changing, in the not-so-distant future, the definition of what counts as a legal marriage.

How would polyfidelity (i.e., egalitarian plural marriage) be possible if, as Kant claims, a marriage contract requires me to “hand over my whole person to the other”? Kant himself provides the basis for an answer when he notes that, by “obtain[ing] the person of the other..., I get myself back again, and have thereby regained possession of myself” (Kant, 1997, p. 388). Having obtained myself in return, and within the context of a fully matured culture-m wherein women have equal political and financial power, why should the law prevent me and my spouse from agreeing together that one (or both) of us may also make a similar legally binding exchange with someone else? The only additional requirement in order to conform plural marriage to Kantian ethics, in a culture that treats men and women as fully equal under the law, is that both (or all) current spouses must freely agree to the addition of a new spousal

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<sup>20</sup> For a discussion of this concept within the context of a more general philosophy of love, see Palmquist (2003), especially Chapter IX. A polyfidelitous marriage is a lifelong (marital) commitment to sexual fidelity between two persons that does not prevent either person from making a similar lifelong commitment with another person. It is fundamentally different from polygamy, because the option of making a second, concurrent commitment is equally open to both sexes. Another important distinction is between polyfidelity and promiscuity, the two being virtual opposites: the former is *rule-governed*, based on commitment and mutual respect for persons (and therefore consistent with Kantian principles of right), while the latter is governed only by personal pleasure and whim. At present, most versions of culture-m manifested throughout the world still treat polyfidelity, like polygamy, as both morally unacceptable and illegal; yet in many cases they ironically go easy on mutually agreed promiscuity.

The well-publicized conviction in Utah of the Mormon, Tom Green, on four counts of polygamy in 2001 is a case in point. More recently, the trial of Warren Jeffs, leader of the Fundamentalist Church of Jesus Christ of Latter Day Saints, has attracted similar attention to the continued harsh treatment culture-m has on anyone who continues to promote polygamy. Feminists with views of nature like those described in my text (Palmquist, 2017, note 12), tend to approve of such prosecutions, as ridding culture-m of the last vestiges of culture-p. My argument here should *not* be construed as an approval of such remaining vestiges of polygamy, for they are indeed often motivated by attitudes and beliefs characteristic of domineering sexism. Rather, my argument is that when a culture emerges wherein both sexes have reached full maturity, anti-polygamy laws will become both unnecessary, because women will be able to look after themselves without depending on a special law that favors their nature, and undesirable, because such laws will be seen to promote a very different (but no less real) kind of sexism.

commitment. This effectively resolves Kant's ethical concerns over the one-sidedness of polygamy and its tendency to encourage over-indulgence by males in oppressing females.

The evolutionary theory of marriage I have sketched up to now can be summarized in terms of the way each cultural stage in the evolutionary process would answer two questions: (1) does the law promote egalitarian rather than domineering marriages? and (2) is marriage law non-sexist, ignoring any natural differences? Culture-p and culture-m both answer the first question negatively, while culture-k and culture-f answer affirmatively. The second question is negated by culture-p and culture-k but affirmed by culture-m and culture-f. This enables us to distinguish clearly between the main features of these four evolutionary stages: culture-p makes no effort to be egalitarian, nor does it shy away from sexism, being openly grounded in natural differences that make polygamy seem normal; culture-k affirms Kant's thoroughly egalitarian principles, thus rejecting polygamy, but justifies monogamy on the basis of a need to build sexual difference into the law in order to compensate for the lower status of women; culture-m insists that marriage law be non-sexist, yet preserves monogamy as the only legal option, thereby inadvertently exhibiting a domineering tendency in favor of feminine nature in sexual relationships; and culture-f, recognizing the inconsistency and potential injustice of culture-m, restores a fully egalitarian legal system by allowing multiple concurrent marital commitments as a legal option, thus refusing to favor the feminine preference for exclusivity.

### **The role of women in the transformation to culture-f**

The change from culture-p to culture-k and from there to culture-m has been exceedingly valuable for the moral development of the human race. Whether willingly or by the collective force of their culture's influence on their nature, men (males) now regularly sacrifice (or at least, believe they *ought* to sacrifice) their inbuilt desire to realize their full natural potential by submitting to a culture that has instituted monogamy into its laws; those who would dare to challenge this relatively recent status quo run the risk of being labeled as domineering sexists. Why have men in culture-k and culture-m freely assented to the eclipsing of their nature in this way? They have done so because they quite properly realized the importance of allowing women equal access to freedom of choice and an equal right to have *their* side of nature properly respected. If Kant is correct in his aforementioned claim (Kant, 1974, pp. 303–311) that (at least in culture-k) women are primarily responsible for the enculturation of men (and so also of the whole human race, through their greater role in nurturing children of both sexes during their formative years), then ironically, women may have been more fundamentally responsible for effecting these developmental stages in the evolution of cultures than men. That is, even though men generally believe (and the history of human sexuality officially tells us) that the increased freedom of women has, by and large, come about because men have eventually agreed to women's demand that men "share" what used to be regarded as primarily theirs by nature, a more accurate explanation may be that mothers have "re-encultured" their children (especially the boys) at an early age to view females in new ways.

Whether or not we accept Kant's claims about the role of women in moral education does not affect my main argument in this concluding section, which is about the future of anti-polygamy laws. Significantly, one of the outcomes of culture-m has been that it tends to give men an increasingly active role in the moral up-bringing of children than they had in culture-k or culture-p. As this trend increases, children are being brought up to be more and more sensitive to a hidden tendency of culture-m to condone what might be called "domineering *non-sexism*"; as more and more of these children become adults, they will increasingly challenge this implication of culture-m and will eventually revise the law. The hidden tendency of culture-m to be domineering lies in the simple fact that the legal system favors the biological nature of one sex: institutionalized monogamy imposes norms that may result in

real biological and social–psychological abuse being done to anyone whose sexual nature points them in another direction.

Aside from the new child-rearing practices that tend to arise in culture-m, two crucial factors are likely to influence the transition to culture-f. First, natural *biological* differences will become increasingly less important, due to improvements in technological methods of overcoming our biological limitations. Indeed, this factor is already giving men and women a real choice as to whether they will produce babies according to the means nature has provided or through various artificial means – or not at all. A parallel factor, relating to natural social–psychological differences, is the acceptance by common citizens in culture-m of those twentieth century psychological systems that portray all humans as having aspects of *both* masculinity and femininity within them.<sup>21</sup> This insight reveals domineering sexism to be a ludicrous approach to relationships with the opposite sex, for it implies that one who adopts this disposition is, at least symbolically, oppressing *oneself*, treating *oneself* unfairly, preventing a part of *oneself* from maximizing freedom. When the implications of such insights are fully digested, how will the resulting culture-f assesses our culture-m assumptions about marriage?

Anti-polygamy laws were not needed in culture-k (see note 16, above), because marital arrangements such as the one Kant describes give men a sense that they have a *duty* to sacrifice their natural desire for multiple committed sexual relationships in exchange for the sacrifice of political and economic freedom being made by their spouse. Such laws became necessary only when culture-k began its transformation into culture-m, where they have served a good and proper purpose by preventing men from re-subjugating women as they gradually sought and obtained political and economic equality. But as women have gradually gained such equality in culture-m, with the right to vote and the expectation that they will contribute to the workforce and play key roles in government, these laws have been a major factor contributing to the huge increase in the divorce rate, which now threatens a virtual collapse of marriage as a reliable context for raising healthy children for the next generation. Obviously, the laws have not changed the biological nature of the sexes. Instead, they have merely ignored this important difference, imposing naturally feminine norms onto males, just as culture-p imposed naturally masculine norms onto females. As women living in culture-m become more and more accustomed to the increasingly equal access culture-m gives them to freedom and mutual respect, and as men begin to take up more and more responsibilities for childcare, two changes will gradually take place. First, *women* – especially those who have been raised and undergone moral education principally from their fathers – will (indeed, are already beginning to) insist that they are not “the same” as men after all, on the basis of an informed consideration of the natural differences that do exist between the sexes. That is, an acknowledgement of sexual difference will come to be seen not as a dangerous, “slippery slope” leading to domineering sexism, but as the only reliable *safeguard* against it. The tendency of well-meaning anti-sexists to label all forms of sexism as domineering on the grounds that no real natural differences exist (so that *anyone* who affirms such differences must thereby be objectionably sexist) will then be seen for the fiction it is.

The second change should now be self-evident. As a given society in the transition from culture-m to culture-f accepts the reality of natural sexual differences more and more widely, and refines its understanding of these differences through more and more sophisticated scientific research, the inequitable, domineering nature of laws defining marriage as necessarily monogamous will become more and more obvious. *Women* will then begin to recognize that such laws are no longer in their best interest. For some women, this may come

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<sup>21</sup> Among the most profound of these psychological theories is Carl Jung’s theory of the “anima” and “animus” as unconscious representations of a person’s opposite sex characteristics. For a detailed discussion of this and other features of Jung’s psychology (Palmquist, 2008).

in the form of a desire for polyfidelity, recognizing it is possible for them simultaneously to live a life of legally binding, committed sexual love with two or more husbands. But for most, it will come as a result of recognizing that such laws, in most if not all examples of culture-m around the world, are now contributing to the heartache of divorce and broken homes that hampers the moral and psychological development of children. In other words, the very laws that were originally established to *protect* women from being oppressed by men in culture-m have, for some time now, been *causing* a considerable degree of heartache and oppression to both sexes. For a man in culture-m who, sincerely wishing to develop the capacities of his nature to their fullest by committing himself in genuine sexual love to more than one person, is told he must *choose*, even if his masculine way of understanding such natural differences does not require such a choice. As culture-m develops and such natural differences become less evident in our social interactions and psychological self-understandings, more and more women (though still a minority) are finding that they, too, may become aware of their ability to be committed to multiple partners. That is, laws banning multiple marriage actually reduce the freedom of *both* (or all) parties in such situations, eliminating a viable option that *some* persons (though probably always only a minority) would want to choose.

My suggestion here is that the only way to combat the hidden tendency of culture-m to oppress masculine sexuality is to work towards a culture-f that will do for males in culture-m what culture-k did for females in culture-p. Worried feminists might ask: What will prevent the relaxation of anti-polygamy laws from causing culture-f to fall back into the repressive, domineering sexist ways that were all-too-characteristic of culture-p? The answer is quite simple: *enlightened, empowered women will not allow it*. Until women in a sufficiently mature manifestation of culture-m have collectively reached this stage, through real political and financial equality (i.e., genuinely equal rights and equal pay), the existing anti-polygamy laws should therefore remain in place to protect them, thus forcing polyfidelitous individuals in that culture to continue accepting the burden of forced monogamy. Perhaps no manifestation of culture-m has reached this stage yet. But once the women in a given society are self-confident enough to accept them, the new laws will distribute the access to free choice in forming marital unions *equally* between men and women. Women will be as free to have multiple husbands (polyandry) as men will be to have multiple wives (polygamy), though they may not wish to take advantage of this option as often as men (because of their biological nature) are likely to do. In this way, the chief moral objection to culture-p, when assessed from the standpoint of culture-k or culture-m – that it allowed for an unfair distribution of access to freedom, thus effectively institutionalizing the male domination of women – will be abolished, yet *without* surreptitiously imposing onto men essentially the same unequal distribution of access to freedom, as culture-m currently does, with its tendency to ignore the natural differences between the sexes.

I do not claim here to have conclusively *demonstrated* that a culture allowing polyfidelitous marriage is morally superior to a culture that disallows such (currently unlawful) marital commitments. Rather, my mode of argument here has been more like a speculative prediction of what is most likely to come next in the cultural evolution of humanity's attempt to use marriage to render sexual relationships morally acceptable. If I am right, then persons living in culture-f will tend to look back at many of us in culture-m and shake their heads, accusing *us* of culturally institutionalized domineering sexism (ironically appearing under the guise of non-sexist ideals), because we established laws that *forced* many people to break heartfelt sexual commitments they longed not to break and felt no moral obligation to break, yet had to break because of our culture's failure to make proper allowances for the existence of natural differences between the sexes. While proudly proclaiming its freedom from all taint of sexism, culture-m hides a domineering tendency that is just as real as that of culture-p, but is more difficult to oppose, since it is hidden under the

veil of a desire to stamp out all sexism.<sup>22</sup> What I hope to have accomplished in this two-part series is the construction of a philosophical framework for making ethical assessments across cultures, a framework that exonerates Kant from the charge of domineering sexism and preserves the integrity of his egalitarian ethics. For his specific theory of marriage represents but a stage in an evolutionary process that cannot reach its natural end until the law gives both women and men the freedom to develop their natural sexuality in ethically sound (i.e., committed, non-promiscuous) marriages that do not unilaterally impose the norms favored by one sex onto the other.<sup>23</sup>

**Stephen R. Palmquist** (D.Phil., Oxford University) is Professor of Religion and Philosophy at Hong Kong Baptist University, where he has taught since 1987. He has over 180 publications (translated into at least 12 languages), which include about 100 refereed articles and book chapters, published in more than 25 countries. Among his 11 books are *The Tree of Philosophy* (Philopsychy Press, 1992/2000), *Kant's System of Perspectives* (University Press of America, 1993), *Kant's Critical Religion* (Ashgate, 2000), *Cultivating Personhood: Kant and Asian Philosophy* (Walter de Gruyter, 2010), *Comprehensive Commentary on Kant's Religion within the Bounds of Bare Reason* (Wiley-Blackwell, 2016), and *Baring All in Reason's Light: An Exposition and Defense of Kant's Critical Mysticism* (Noesis Press, 2018). In 1999 he founded the Hong Kong Philosophy Café, now comprising four branches and over 900 members.

#### Corresponding author:

**Stephen R. Palmquist**, Department of Religion and Philosophy, Hong Kong Baptist University, 224 Waterloo Road, Kowloon, Hong Kong SAR (China)  
Email: stevepq@hkbu.edu.hk

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<sup>22</sup> I am not claiming that all feminist scholars in culture-m are guilty of this domineering disposition; there are far too many varieties of feminist philosophy to make such a claim plausible. Moreover, one of the basic principles guiding the framework for cross-cultural ethical assessments that I have defended is that we can be properly judged only according to the standard we choose to adopt to judge ourselves and others. I take this to be the essential meaning not only of Kant's categorical imperative, but also of Jesus' corresponding maxim, in Matthew 7:1-2: "Do not judge, or you too will be judged. For in the same way you judge others, you will be judged, and with the measure you use, it will be measured to you". For a discussion of the relation between these two moral principles (Palmquist, 1991).

<sup>23</sup> This pair of articles began as a much shorter paper, presented in May of 2004 at the Beijing International Symposium on Kant's Moral Philosophy in Contemporary Perspectives, organized by the Institute of Foreign Philosophy and the Department of Philosophy at Peking University. I would like to thank the organizers of that conference and all who provided feedback on that first occasion, as well as the countless anonymous reviewers from many of the *nine* journals that rejected successive versions of this project since that time. Many of those reviewers offered incisive feedback and helpful suggestions for further development, though for each submission one reviewer, unable to stomach the thought of accepting a paper that questioned the basic myth of culture-m (i.e., the moral superiority of monogamy), advised the editors that the essay should *never* be published. Thanks also to Mark Sun, for assisting me in deciding how best to respond to the latest batch of reviews, and to Vasil Gluchman, for his courage in allowing this project to be disseminated to the general public at last.

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