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ARTICLE

Between Bodies and Pleasures: A Territory Without a Domain

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ABSTRACT: Foucault's debt to Kant is usually examined with respect to his ethos of critique. In fact, Kant's writings on aesthetic judgment, teleological judgment, and anthropology constitute an important, if implicit, object of Foucault's genealogical efforts to free Western culture from a *scientia sexualis* that oppresses sexual minorities. Comparing Foucault's use of Kant to the use made by psychoanalytic theorists of sexual difference, this paper argues that the concept of non-teleological pleasure found in Kant's critique of aesthetic judgment may provide grounds for queer thinkers to resist and reconfigure associations between death, knowledge, and sexuality as a function of organisms—associations inherited from the post-Kantian philosophical anthropology and biological medicine of the nineteenth century.

Keywords: Foucault, Kant, psychoanalysis, sexuality, queer, aesthetics.

According to Foucault, "The rallying point for the counterattack against the deployment of sexuality ought not to be sex-desire, but bodies and pleasures." Under the pseudonym Maurice Florence, he also claimed to be most at home in philosophy among the inheritors of Kant.² Now, one would certainly not expect to find bodies and pleasures in Kant's philosophy. Kant is as disdainful of sensuality as of sexuality; he regards most pleasure as mere difference of degree in sensation; and has horrifying things to say about homosexuality, a crime worse than

¹ Michel Foucault, *The History of Sexuality. Vol. 1: An Introduction*, translated by Robert Hurley (New York: Random House, 1978), 157.

² Michel Foucault, "Foucault," in *Aesthetics, Method, and Epistemology: Essential Works of Foucault 1954-1984 Vol. 2*, edited by James Faubion (New York: New Press, 1998), 459.

³ Immanuel Kant, *Critique of the Power of Judgment*, edited by Paul S. Guyer, translated by Paul S. Guyer and Eric Matthews (Cambridge: Cambridge University Press, 2000), 5:274; *Critique of Practical Reason*, translated and edited by Mary Gregor (Cambridge: Cambridge University Press, 1997), 5:30. Where English translations include page numbers to the Akademie Ausgabe edition, citations are to the volume and page of the Akademie edition.

⁴ Kant, Critique of Practical Reason, 5:23 and Kant, Critique of the Power of Judgment, 5:266. In the Critique of Practical Reason, Kant argues that differences among an individual's pleasures are only differences of degree, and cannot be used to distinguish between mental and bodily representations. In Critique of the Power of Judgment, likewise, "The agreeable, as an incentive for the desires, is of the same kind throughout no matter where it comes from and how specifically different the representation (of sense and of sensation, objectively

suicide, though not perhaps regicide.⁵ Foucault and Perniola both remark the tacit violence and affectlessness with which Kant regards the legal exchange of bodies in marriage.⁶ Most recently, Alan Soble has drawn attention to Kant's passionate, but philosophically dubious arguments that all forms of non-marital, non-heterosexual eroticism are both contrary to nature and violate the duty to treat oneself as an end.⁷

Indeed, it remains a matter for argument where human bodies fit in Kant's portrait of experience, except as empirical objects.⁸ But what if we assume that something in Kant's *Critique of the Power of Judgment* is very useful to Foucault's project? After all, the third *Critique* was thought and written at a historical moment *prior to* the "deployment of sexuality." The notion of aesthetic pleasure might provide a niche in the Kantian system and in the history of Western philosophy for all those attractions, bodies, and pleasures which were rejected as "abnormal" by nineteenth century philosophical anthropology and biological medicine— disciplines to whose groundwork Kant himself contributed, and to which the deployment of sexuality appealed for intellectual justification.⁹ In fact, aesthetic pleasure would play this role precisely because it results from collective phenomena escaping the determinate cognitive or moral judgments of individual subjects.

Nowhere has Michel Foucault's impact been greater than in the historical and political study of sexual culture. However, the role played by Kant in Foucault's development has not

considered) may be." However, he does believe that the kinds of pleasure produced by enjoyment, moral behavior, and apprehension of beauty are different and reflect the activity of different faculties. (Ibid, 5:291-292)

- ⁵ Immanuel Kant, *The Metaphysics of Morals*, translated and edited by Mary Gregor (Cambridge: Cambridge University Press, 1996), 6:425, 320-321.
- ⁶ Michel Foucault, *Introduction to Kant's Anthropology*, edited by Roberto Nigro, translated by Roberto Nigro and Kate Briggs (New York: Semiotext(e), 2008), 39-44; Mario Perniola, *The Sex Appeal of the Inorganic: Philosophies of Desire in the Modern World*, translated by Massimo Verdicchio (London: Continuum, 2004), 18-20.
- ⁷ Alan Soble, "Kant and Sexual Perversion," *The Monist* vol. 86, no. 1 (2003), 55-89. Soble also discusses the misogyny entailed when the duty to treat one's own person as an end is combined with a firm belief in women's civil and sexual passivity, especially where sexual coercion is concerned. Soble carefully unpacks the ways in which Kant "secularizes" Thomistic views on sexual morality.
- ⁸ Susan Meld Shell, *The Embodiment of Reason: Kant on Spirit, Generation and Community* (Chicago: Chicago University Press, 1996); Angelica Nuzzo, *Ideal Embodiment: Kant's Theory of Sensibility* (Bloomington: Indiana University Press, 2008); see also Andrew Carpenter, *Kant's Earliest Solution to the Mind-Body Problem and True Estimation of Living Forces* (translation of Kant) (Ann Arbor: UMI, 1998). As Kant's anthropological and historical writings have received more attention in the Anglophone world, the place of the body in his theories of knowledge and ethics has come under scrutiny. Shell argues that the difficulty of determining bodily boundaries and explaining real interaction between substances drives Kant's critical project and the relationship of metaphysics and politics therein. Nuzzo has challenged the notion that Kant gives *no* rights to sensibility, arguing that the critical project is essentially a redefinition of the human body as neither fully transcendental nor empirical, mental nor physical.
- ⁹ Urban Wiesing, "Immanuel Kant, his philosophy and medicine," *Medical Health Care and Philosophy* vol. 11 (2008), 221-236; Alix Cohen, *Kant and the Human Sciences: Biology, Anthropology, and History* (Hampshire, UK: Palgrave MacMillan, 2009). Wiesing offers a study of Kant's influence on western medicine, especially as a critical epistemologist; Cohen argues in detail that Kant considered biology the model for human sciences such as anthropology and history.

been viewed as contributing to this study, and has been examined largely in the context of his critical ethos. Mapping the invisible territory in Foucault's relationship to Kant may be helpful to theorists working at the intersection of philosophy, queer studies, and history of ideas, for Kant's writings not only mark a reorganization of Western epistemology but a new effort to divide the disciplines from one another on the basis of pleasures that are neither moral nor biological/animal. Since Kant's transcendental philosophy is still invoked by psychoanalytic theorists writing on sexual difference and the vicissitudes of desire, just as his defense of moral autonomy appeals to contemporary liberal advocates of queer civil rights, it seems essential to return those ideas to the scene of reflection within which modern tolerance and modern intolerance were both cultivated.

Approaching Kant as having tacitly left a "non-moral" place for unorthodox attractions and pleasures in the *Critique of the Power of Judgment*—at a moment before biological and medical bodies became scientifically "normative"—we can more easily make sense of Foucault's claim to have been working through a Kantian problematic his entire career. We are also better equipped to situate the interrogation of sexuality undertaken by Foucault and later queer theorists with respect to the history of Western philosophy. Yes, Kant goes out of his way to purge aesthetic experience of enjoyment or "gratification" understood in a biologically teleological sense, but this does not mean that it might not contain a potentially shared world of forms giving rise to non-biological and non-teleological troubles and pleasures.¹⁰ Studying Foucault with aesthetic judgment in mind recontextualizes claims about the intrinsically transgressive, dangerous, or anodyne nature of queer sexual practices in popular culture and in the work of recent feminist, lesbian and gay writers.

The Critique of the Power of Judgment

Kant's *Critique of the Power of Judgment* has two sections: the "Critique of Aesthetic Judgment" and the "Critique of Teleological Judgment." The first section is roughly concerned with the way we must conceive of the power of judgment if we are to make sense of the fact that people demand universal agreement for their claims that natural phenomena or artistic works are "beautiful" or "sublime"—even though these claims cannot be based on objective criteria and are often contested by other critics. Since Kant identifies the kind of pleasure that accompanies an act of aesthetic judgment as "disinterested," this might seem an odd place to locate marginalized instances of erotic attraction. However, by "disinterested" Kant means that the form or phenomena being judged (say, the grace of a flower) is not the motivation for either a pragmatic (instrumental) or moral act.¹¹ This is because, though the form may be associated

judgment, where they are symptoms rather than causes of practical reason and judgment.

¹⁰ For example, Perniola, 38-39; Nuzzo, 206. Perniola argues that a non-orgasmic sexuality would fall into the category of a feeling [*Gefühl*] experienced, like "respect," only by things "in themselves." This is merely to establish an analogy between two forms of feeling that do not quite fit the category of gratification, not to identify them. For Nuzzo, the space for pure aesthetic judgment had to be *created*; it did not already exist to be *purged* of pleasure. Nuzzo contends that the *Critique of Pure Reason* excluded sensibility from having a *determining* role in cognition, but that this exclusion left room for Kant to identify forms of sensibility (respect and pure aesthetic pleasure) that would have *non-determining* roles in moral action and reflective

¹¹ Kant, Critique of the Power of Judgment, 5:204-211.

with a recognizable object (i.e. a flower), the form has not been brought under a *concept* that would enable it to function as the object of such an act.¹²

In short, aesthetic judgment is provoked by a mere form, or in some cases formlessness, that is not yet or never could be a determinate "object." The diverse forms of flowers would exemplify pure form; the aesthetic impression of approaching storm clouds or a swelling orchestral sound might illustrate sublime formlessness. This form (or formlessness) corresponds to a certain *state* or *relationship* among faculties of the mind that Kant calls "reflective" and describes phenomenologically as "lingering" [*beiweilen*]. Beautiful form is "subjectively purposive" even though it cannot be put to any "objective purpose" or inserted in a causal chain apart from the reflecting agent; sublime formlessness is experienced as counter-purposive, but in a way that provokes a renewed feeling of inner human purpose. Examining such forms or threats to form allows us to divine the structure of judgment, a "territory" (*Boden*) without a "domain" (*Gebiet*). 6

There are two features of an aesthetic judgment worth noting. The first is that while the form being contemplated is not *approached* as the form of an "object" (even if it might *be* the form of an object, as with an artwork or a flower), the observer's *state of mind* is one he or she judges to be universally communicable.¹⁷ In other words, regardless of empirical evidence that others agree or disagree, the observer has the right to expect that other observers assessing this form or phenomenon would achieve a similar state of mind. The second is that although it judges without a concept (of a specific kind of object) we could not *generate* concepts allowing us to identify and communicate our perception of unfamiliar objects to others without something like reflective judgment.¹⁸ In other words, the kind of reflective relationship between faculties that gives rise to a judgment of beauty or sublimity is the same kind of reflective relationship we discover in every attempt to find the "right concepts" for attracting others' attention to something surprising in our shared experience, whether as artists, scientists, or laypeople.

In the second part of the volume, the "Critique of Teleological Judgment," Kant asks how scientists can find order in the unfamiliar forms of the natural world. His explanation is that we apprehend these forms through reflective judgment. In fact, we treat nature as composed of artworks even though we have no *philosophical* reason to believe that an artist has created them.¹⁹ By doing so, we can imagine that observable parts and processes are functions of a larger whole, whether individual organisms or nature as a totality. Biologists and geologists, in other words, apprehend natural forms whose purposes they do *not* know in the same *potentially communicable* state of mind that they appreciate works of art. But unlike art critics, scientists do attribute concepts and functions to the objects they encounter.

¹² Ibid., 5:226-228.

¹³ Ibid., 5:220, 245.

¹⁴ Ibid., 5:222.

¹⁵ Ibid., 5:189, 192.

¹⁶ Ibid., 5:177.

¹⁷ Ibid., 5:191, 217-19, 238-239.

¹⁸ Ibid., 20:243-244; 5:217-219, 265-266.

¹⁹ Ibid., 5:382-383

The pleasure in an aesthetic judgment is, therefore, "disinterested" in the sense that it is non-teleological—the faculties enter into a free play, with no necessary outcome. Such judgments neither relate means and ends in an objectively necessary manner nor actualize the subject's moral freedom. Judgments reflecting the biological needs of human beings, among which Kant would include sex, are definitely "interested." In fact, at this point in Enlightenment Europe, sexual appetite was thought to be an irrepressible natural force. In his first Introduction to the *Critique of the Power of Judgment*, moreover, Kant specified that teleological scientific judgment *per se* involve no pleasure. But many of the qualities giving a fantasy or encounter an erotic tone are not related to a biologically identifiable function; they are usually quite hard to define. Most importantly, if we accept Kant's account of how humans apprehend nature, we must assume that biological functions, human or otherwise, could only have been identified as such in a reflective state—one capable of turning into a peculiar "disinterested" pleasure, even if it did not have this effect upon the researcher.

Of course many functions of human biology and physiology were known well before Kant's time. Such knowledge was based on combinations of an older Galenic/Aristotelian medicine and recent discoveries by empiricists (e.g. Laqueur 1987).²³ Doctors and laypeople also appealed to folk wisdom, pornography, and treatises like the apocryphal *Aristotle's Masterpiece* to address sexual difficulties that, as Foucault explains in *Abnormal*, were only beginning to be regarded as matters of potential state concern.²⁴ But Kant suggests that these forms of knowledge, insofar as they went beyond mere tradition or superstition, were discovered using reflective judgment; they could not, for example, be deduced from first principles of physics.

So even if Kant has an implicit, everyday sense for which human perceptions are likely to be "interested" and which might be purely aesthetic, his goal is to understand *how* such an assessment might have been made and how it could have been justified. We must remember that Kant is writing prior to the establishment of a historical standard for *scientific* perception of the human organism and the functions, needs and motivations, a standard he wishes to help establish. A general notion of concupiscence common to both sexes was governed by various religious and legal restrictions on the use of bodies in or outside of marriage: this was "nature." Kant himself attempted to add to the store of medical knowledge, and to sort true from imaginative views about healthy functioning, through his numerous reflections on hypo-

²⁰ Ibid., 5: 217-218.

²¹ Isabel Hull, *Sexuality, State, and Civil Society in Germany,* 1700-1815 (Ithaca: Cornell University Press, 1996), 236-245.

²² Kant, Critique of Power of Judgment, 20:228.

²³ E.g., Thomas Laqueur, "Orgasm, Generation, and the Politics of Reproductive Biology," in Catherine Gallagher and Thomas Laqueur (eds.), *The Making of the Modern Body: Sexuality and Society in the Nineteenth Century* (Berkeley: University of California Press, 1987), 1-41.

²⁴ Peter Wagner, "The discourse on sex – or sex as discourse: Eighteenth-century medical and paramedical erotica," in G. S. Rousseau and Roy Porter (eds.), *Sexual Underworlds of the Enlightenment* (Chapel Hill: University of North Carolina Press), 46-68; Michel Foucault, *Abnormal: Lectures at the Collège de France*, 1974-1975, edited by Valerio Marchetti and Antonella Salomoni, translated by Graham Burchell (New York: Picador, 2003).

chondria.²⁵ By the nineteenth century, "normal" and "abnormal" sexual behavior will be defined in terms of *functions* rather than in terms of more and less universal *perceptions* regarding viscerally troubling forms and instances of apparent formlessness, although they will still retain a link with moral dignity and righteousness or outrage.

In *History of Madness*, Foucault argues that the distinction *within western thought* between madness and reason—whether philosophical, scientific, or moral reason—was first drawn by Descartes, or at least by the royal administrators who interned vagabonds shortly before Descartes.²⁶ In *Birth of the Clinic*, on the other hand, Foucault contends that only a *certain conception of death* made it possible for 18th century doctors to understand disease as a vital process intersecting and interfering with the functions of the living human body.²⁷ Both madness and disease, we surmise, could only be recognized through reflective judgment. Insofar as medicine understood sexuality as either a "natural function" or as a "sign of disease," it employed the teleological version of reflective judgment: sexuality thus became the exercise of a function aiming at the goal of either orgasm or reproduction. Obviously, aesthetic pleasure results in neither orgasm nor reproduction. But perhaps it is through aesthetic pleasure that we learn how to recognize a form—or a certain kind of formlessness—*worthy* of being coupled with, and how to make our own form appealing to others, just as it is through teleological judgment that we learn how to regard ourselves and our partners as organisms defined by their functions.

Kant does not believe that the beauty or sublimity of an aesthetic judgment is ascertained by finding out if others *actually* agree that a given form provokes the right state of mind for generating concepts.²⁸ Rather he claims that when we experience that state of mind, we have a *right* to demand that others will agree with us. Thus Kant considers education of taste, the training of artists, and the enjoyment of natural and crafted beauty crucial in actually *forming* human beings who can relate to each other both as autonomous moral individuals and as cognitively homologous observers of a common perceptual and scientific world.²⁹ However, the problem remains that the form of our *own* existence is open to indeterminacy and its difference from others is subject to reevaluation.³⁰ Kant emphasizes the function of art in creating

²⁵ Kant's contributions in this domain were primarily of the "practical" clinical sort, and usually concerned the interaction between mental and physical representations of well-being. See, for example, "On the Power of the Mind to Master its Morbid Feelings By Sheer Resolution," a response to Hufeland's *On the Art of Prolonging Human Life* in part 3 of *Conflict of the Faculties*, translated by Mary J. Gregor (Lincoln: University of Nebraska Press, 1992), and *Anthropology From a Pragmatic Point of View*; edited and translated by Robert B. Louden (Cambridge: Cambridge University Press, 2006); 7: 212-213.

 $^{^{26}}$ Michel Foucault, *History of Madness*, edited by Jean Khalfa, translated by Jonathan Murphy and Jean Khalfa (London: Routledge, 2006), 44-55.

²⁷ Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception*, translated by A.M. Sheridan Smith (New York: Pantheon Books, 1973), 143-144; 153-156.

²⁸ Kant, Critique of the Power of Judgment, 5:212-213, 239.

²⁹ Ibid., 5:296-298.

³⁰ Randall Halle, *Queer Social Philosophy: Critical Readings from Kant to Adorno* (Urbana and Chicago: University of Illinois Press, 2004), 36. Halle paraphrases Georg Simmel: "the Kantian ego is not an individuality; rather, it *has* individuality... This distinction—between truly being an individual and having individuality—shows that the Kantian subject postulated in the critical works relies on a *homogeneity of individuality* that will

commonality, but often it is through disagreements over art that people learn that they have less in common; that they are actually more separate and conform less to a common "concept" of determinate judgment regarding humanity than they might have initially believed.

The biological understanding of *homo sapiens* may not be the *truest* or most *comprehensive* account of human being-in-the-world, but it is the one in which humans have learned to most easily see themselves. Understanding sexuality as a biological, teleological function resulting in orgasm or reproduction is part of the West's *historically developed* biomedical understanding of what makes us similar to one another and what separates us.

Biology and the Human Sciences Through Kant's Looking-Glass

Kant contributed to this process in two ways. First, he posited that all human knowledge was made possible by the finite nature of human beings, rather than, as his rationalist predecessors assumed, human approximations to an infinite, divine understanding.³¹ Human limitations were not simply cognitive obstacles, but also positive conditions for experience and knowledge. Although Kant's impact on the physical sciences is better known than his contribution to debates over biology and the human sciences, vast scientific and administrative advances over the following century were based upon and justified by some version of this radical epistemological shift.³² In his early writings, Foucault documented how "human" sciences like psychiatry, medicine, and criminology emerged from the localization and observation of phenomena previously considered resistant to scientific understanding because they were signal examples of human finitude: madness, death, and criminality.³³

However, the transcendental framework of Kant's finite understanding lent itself to enormously varied and undetermined psychological and cultural manifestations. For example, although space and time are conditions of experience, Kant says very little about the positive contribution to experience and knowledge made by the human body, rather than the power of sensibility.³⁴ To some philosophers, this is precisely its appeal; others, like Hegel, find it unacceptably abstract. But Kant supplemented his theoretical writings with historical and "anthropological" reflections treating the empirical manifestations of human psychology, culture, and politics. In these writings, Kant wrestled with the relationship between the

conflict with the *heterogeneity* of individuals examined in his social-philosophical and anthropological works." In fact, homogeneity in our ways of perceiving natural unity and diversity can never be taken for granted *anthropologically* but must be inculcated through conversation, art, and culture.

³¹ Immanuel Kant, *Critique of Pure Reason*, translated by Werner S. Pluhar (Indianapolis: Hackett Publishing Co., 1996), B xvi-xviii.

³² These go beyond the specific applications of Kantian epistemology to medicine described in Wiesing.

³³ Foucault, *History of Madness*; Foucault, *Birth of the Clinic*; Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan (New York: Vintage Books, 1977). A more detailed version of this argument can be found in Laura Hengehold, *The Body Problematic: Political Imagination in Kant and Foucault* (University Park, PA: Penn State University Press, 2007).

³⁴ The body, particularly the extremities like hands which have right and left orientation and the skin as a boundary between "inner" and "outer" experience, played an important role in Kant's search for a common structure for the determination of substances in his early theoretical writings. This structure was eventually identified with space and time as transcendental idealities.

purely conceptual and the empirically medical aspects of embodied experience.³⁵ Finitude is a feature of thought as well as empirical psychology and physiology, but Kant was never entirely sure which aspects of human existence could be altered by reflection—or how deeply the body as known by medical science was molded by the requirements of cognition and communication.

In *Mad For Foucault*, Lynne Huffer argues that the forms of unreason excluded by Descartes from modern philosophical and scientific thought included not only what we would call psychiatric "madness," but also the passion and eroticism previously associated with spirituality or with heresy.³⁶ According to Huffer, Foucault's claim in *History of Sexuality* that the West has substituted a *scientia sexualis* for the *ars erotica* found in other societies, takes on a new meaning if it is read as continuous with his early work on the history of madness.³⁷ However, the fact that Foucault accompanied *History of Madness* with a *thèse secondaire* on the status of anthropology in Kant's system, and his further reflections on Kant and anthropology in *The Order of Things*, suggest that he believed Kantian epistemology ultimately had more influence on the development of nineteenth century sciences than did Cartesianism.³⁸ It is in the nineteenth century, the post-Kantian century, that sexuality was framed as a strictly biological, teleological phenomenon admitting a "norm" like other physiological functions.

Kant's "Critique of Teleological Judgment" went beyond Cartesian mechanism, which tried to reduce even living beings to the laws governing inert matter. Kant attempted to explain and justify our efforts to understand natural beings as organisms, that is, holistic entities with internal functions and goals. But biological science, which identifies natural "interests" of the human organism, is not the only application of reflective judgment as described in the *Critique of the Power of Judgment*, and biological phenomena are only a *subset* of the experiences of form and formlessness giving rise to either "interested" or "disinterested" pleasure. Recognizing that the "body" of modern medicine is an object of teleological judgment forces us to wonder if any "body" was involved in aesthetic apprehension? Has the body handed down in western culture been defined in opposition to such "lingering" fascination and admiration?

Kant appears to subscribe to the tacitly naturalistic understanding of sexuality, which reached its mature form in nineteenth century biology. For example, he states that "Nature's end in the cohabitation of the sexes is procreation; that is, the preservation of the species."³⁹ On the other hand, in the *Anthropology* Kant admits that the natural purpose behind nature's division of the human species into two sexes is ultimately unfathomable, and reason threatens

³⁵ This relationship is extensively dealt with in Shell and Nuzzo. For example, in the *Critique of the Power of Judgment, Anthropology,* and *Conflict of the Faculties,* Kant reflects on the way that a free play of sensations in apprehending beauty, natural order, or even lively conversation may promote the *feeling* of health.

³⁶ Lynne Huffer, *Mad for Foucault: Rethinking the Foundations of Queer Theory* (New York, Columbia University Press, 2010), 73, 79, 229.

³⁷ Foucault, *History of Sexuality*, 57-58, 67-68; Huffer, 24-25.

³⁸ Foucault, *Introduction to Kant's Anthropology*; Foucault, *The Order of Things: An Archaeology of the Human Sciences*, translated by Alan Sheridan (New York: Random House, 1970).

³⁹ Kant, *The Metaphysics of Morals*, 6:426.

to lose itself in "darkness" in too closely enquiring.⁴⁰ The scientifically understood body and its desires separate sexuality as a *function* from the emotions and pleasures that would have comprised *eros* or the *flesh*.⁴¹ Perhaps we must look to pure aesthetic pleasure for all the sensations and emotions, the puzzled fascinations and attractions that cannot be identified with the desire *of* an organism or the desire *for* an organism.

The sexually dimorphic body and its "sex-desires" are a *selection* from the range of forms and pleasures that are available to critics/viewers. If the sexual being is one who appreciates his or her companion as a source of aesthetic pleasure rather than "mere" sensibility, this enables him or her to resonate with the emotions and pleasures of others. Periodically (most obviously in the case of transsexuals), these encounters drive sexual beings to reconsider their own empirical bodily form.⁴²

Aesthetics and Teleology in Contemporary Theory

In recent years, Lacanian theorists such as Joan Copjec, Renata Salecl, and Monique David-Ménard have tried to explain the apparent psychological and experiential differences between the two sexes in terms of the difference between dynamical and mathematical antinomies afflicting philosophical efforts to determine the ground of objective experience in Kant's *Critique of Pure Reason*.⁴³ Kant blames our habit of treating appearances as if they were things in themselves for four antinomies, or irresolvable conflicts in our thoughts about metaphysics, including the origin of the universe, its extent in time and space, the possibility of freedom, and the existence of an ultimate cause. According to Lacan, one futile style of reasoning about reality as a whole (the dynamical antinomies) resembles the logic by which women are thought to conform to a norm "as women;" while the other futile way (the mathematical antinomies) resembles the way men are thought to share an (impossible) "phallic function."

Of course, what matters to Lacan and his followers is the duality of metaphysical approaches, the connection between our reasoning about metaphysics and our reasoning about sex—and not the sexual identities themselves, much less any possible heterosexual attraction between the people holding these identities. In fact, in *Seminar XX* Lacan argued that the pur-

⁴⁰ Immanuel Kant, *Anthropology From a Pragmatic Point of View*, 7:177n. According to Perniola, Kant excludes fetishism, which Foucault considered the nineteenth-century model for all perversions, from either a moral or a utilitarian pragmatic rationality. See Perniola, 55-56.

⁴¹ Huffer, 78-80; Lynda Hart, *Between the Body and the Flesh: Performing Sadomasochism* (New York: Columbia University Press, 1998).

⁴² Perniola's *nonorganic* pleasures are likewise a selection. While Kant tried to overcome Cartesian dualism in an original way, Perniola wishes to explore the domain of pleasures that an alternate Cartesianism would have associated with the *feeling* (rather than thinking) *thing*. Having no personal attachment to dualism, I see no need for a purism of either organic/teleological or nonorganic pleasures; though I think a *pluralism* is essential.

⁴³ Joan Copjec, "Sex and the Euthanasia of Reason," in *Read My Desire: Lacan Against the Historicists* (Cambridge: MIT Press, 1994); Monique David-Ménard, *Les Constructions de l'Universel: Psychanalyse, Philosophie* (Paris: Presses Universitaires de France, 1997); Renata Salecl, *On Anxiety* (New York: Routledge, 2004), 81-83. Slavoj Žižek proposes to reverse the sexes Copjec associates with dynamical and mathematical antinomies, respectively. See Žižek, *Tarrying With the Negative: Kant, Hegel, and the Critique of Ideology* (Durham: Duke University Press, 1993), 53-58.

suit of scientific knowledge was itself an attempt to demonstrate the existence of a "sexual relation," in other words, the cosmic necessity or inevitability of two sexes fitting together.⁴⁴ Here it is not only a question of how desire—including the desire for stable social categories and goals—shapes our need to find certain kinds of patterns in the universe, but also how that understanding of the universe affects and justifies reflections on desire and bodily difference.

Like Kant, Lacan believed that finitude strictly speaking *had* no necessary anthropological form. Consequently, neither could the two sexes "complement" each other. In fact, what Lacan's followers have found is a kind of highly structured "failure to complement" between these two proto-sexual philosophical impasses. The problem, of course, is that Kant's readers (including Lacan) usually remain focused on finite anthropological answers to the fundamental questions of communicable form and affect, when the answers properly seem indefinite, if not infinite. They try to explain the dualism of heterosexual identifications and desires, even as a failed project, rather than to understand the gamut of *possible* identifications and desires. Rooting sexual difference in the antinomies suggests that as it provokes erotic attraction and pleasure, ultimately structuring each subject's sense for reality as a whole, difference will in-evitably be "twofold." In other words, the Lacanians substitute empirical data about what (many) people *do* find aesthetically compelling for a transcendental understanding of what would make *anything* aesthetically compelling.

One can say that binary sexual difference and attraction are obviously "real" because Kant was a kind of realist and we "know" there are two sexes. But it may be that these anthropological answers to the problem of finitude (such as two sexes, oriented toward each other by potentially generative acts) are so many historical aesthetic forms that guarantee the *communicability* essential for aesthetic pleasure (as well as orgasm and, for those so inclined, reproduction). How do people know how to interpret their desires, so that others will recognize a common project and join in? In the West, this communicability is safeguarded by the aesthetic forms of *scientia*, along with commentary, the author function, and the "fellowship of discourse." But it is also safeguarded by popular erotic traditions including pornography and specialized clubs or subcultures, as well as religions predating the popularization of medical science. All of these communal practices provide readily adaptable forms or templates for sexual identification and interaction.

However, what provokes reflection in the act of aesthetic judgment is not the empirically recognizable aspect of a given phenomenon, but an aspect resisting immediate conceptual recognition, or else a specific experience of formlessness arousing simultaneous feelings of power and (limited) anxiety.⁴⁶ These aspects need not be materially present and should not be reduced to visual contemplation, either in reality or in the mind's eye. If heterosexuality did not also "work" aesthetically for most of its adepts, it would not have generated such efforts at scientific explanation, nor probably such religious conviction that it was nature *per se*. Again,

⁴⁴ Jacques Lacan, *The Seminar of Jacques Lacan Book XX/ On Feminine Sexuality: The Limits of Love and Knowledge: Encore 1972-1973*, edited by Jacques-Alain Miller, translated by Bruce Fink (New York: W. W. Norton, 1998), 9, 11.

⁴⁵ Michel Foucault, "Appendix: The Discourse on Language" in *The Archaeology of Knowledge and the Discourse on Language*, translated by A. M. Sheridan Smith (New York: Pantheon Books, 1972), 222-224.

⁴⁶ Kant, Critique of the Power of Judgment, 260-261.

the question is not *what* we believe about attraction and pleasure, but how the intensity of that belief is *sufficiently justified* for us to look for its cause in the functions of a body understood as an organism.

Freud believed that for some (male) children, the female genitalia presented exactly this sort of inchoate form or threatening formlessness Kant seems to associate, on a larger natural scale, with the sublime.⁴⁷ Fetishism, according to Freud, was the lasting symptom of a child's refusal to believe that women's bodies were incomplete or to let his faculties enter into a "free play" when apprehending them, "for if a woman had been castrated then [the boy's] own possession of a penis was in danger, and against that there arose in rebellion the portion of his narcissism which Nature has, as a rule, attached to that particular organ."

Since in fact there is no reason to regard women as anatomically incomplete, one is tempted to look for more explanations. Could fetishists *also* have been children (male or female) who tried to create a concept for their experience of multiple sexual differences, especially differences of power and style, despite adults' insistence on dimorphism? Could they have been attempting to identify a determinate, repeatable object that could explain the mixed fascination and horror of their reflective judgment? E. L. McCallum argues that fetishism is an epistemological strategy that resists an easy "determinate" recognition of sameness *or* simple "two-ness" in the diversity of human bodies.⁴⁸ From this perspective, it seems that Freud was trying to identify a determinate basis for fetishism in a negative response to *sexual difference as known by biology*, a negative response which sets aside biological "interest," rather than in a positive response to form or formlessness.⁴⁹ He substituted the object of an *interest* or a *function* for the source of erotic and emotional *trouble*.⁵⁰

According to Foucault, fetishism—the generic term for a sexual preference that goes beyond the "primary" and "secondary" characteristics of sexual difference—was "the guiding thread for analyzing all the other deviations."⁵¹ As such, the category belongs to the same biological discourse that it seemed to resist. The problem with such preferences is that while Kant's theory of aesthetic judgment gives devotees a *right* to demand that others share their state of mind, very few empirically do. We don't know whether this is inevitably the case or

⁴⁷ Sigmund Freud, "Fetishism," *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, Vol. 21, edited and translated by James Strachey (London: Hogarth Press, 1950), 153.

⁴⁸ E. L. McCallum, *Object Lessons: How to Do Things With Fetishism* (Albany: State University of New York Press, 1999).

⁴⁹ On the child's awareness of sexual ambiguity and resulting fascination, see McCallum; as well as Claire Nahon, "The Excess Visibility of an Invisible Sex or the Privileges of the Formless," and Sabine Prokhoris, "The Prescribed Sex," in *Contemporary French Feminism*, Kelly Oliver and Lisa Walsh (eds.) (New York: Oxford University Press, 2004), 159-176; 177-200. Judith Butler offers some suggestions for how to meaningfully break up the duality *between* sexes into forms and categories that can be manifest in *either* sex; see "The Lesbian Phallus and the Morphological Imaginary," in *Bodies That Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993), 57-91. On medical responses to intersex patients and the phenomenology of intersexed people's social lives and involvement with the medical system, see Katrina Karkazis, *Fixing Sex: Intersex, Medical Authority, and Lived Experience* (Durham, NC: Duke University Press, 2008).

⁵⁰ I use the word here in its French sense meaning disquiet or agitation without a clear object, especially sexual or emotional agitation.

⁵¹ Foucault, *The History of Sexuality*, 154.

whether this is the result of the way in which our ability to communicate and respond to forms has been trained. (Moralists are often alarmed that it seems possible to "learn" an appreciation for certain fetishes). Nor, according to Kant, could the fact that disinterested pleasure expresses itself as a *universal* call for agreement mean that empirically, anthropologically, and historically, universal agreement on such preferences could be *enforced* through some kind of aesthetic education, in the way that Western societies have long tried to enforce universal agreement on sexual tastes through positive laws against homosexuality.⁵²

Finitude and the Sexual Order of Things

In many of Kant's writings, the power of imagination is ambiguously featured as necessary for human cognition and experience and as a threat to the structure of that experience. "Dreams of a Spirit-Seer," for example, took issue with the place of imagination as confused perception in Leibnizian metaphysics.⁵³ In the *Critique of Pure Reason*, imagination links the powers of understanding and sensibility, but its combination with an excessively speculative faculty of reason must be sharply restrained by critical philosophy. One finds a similar ambivalence in the moral writings. While the "typic" of pure practical reason is necessary for moral judgment, and the capacity to invent new objects of desire was necessary for the emergence of humankind aware of its power to exceed nature (according to the *Conjectural Beginning of Human History*), Kant considers sexual satisfaction through an object of imagination particularly horrifying, although this is certainly one way of freeing oneself from nature.⁵⁴ But an indeterminate form provoking the imagination to play or arousing awareness of reason's (as yet undeployed) power may be erotically *troubling* without ever leading to anything Kant would regard as "satisfaction."

Kant's obvious preference for lawful and universal phenomena over those which are sporadic or indefinite has almost made it impossible to conceive of sexuality apart from the specific anthropological practices that lend themselves to description in terms of biological laws. This is true even though in practice, humans are aesthetically moved or "troubled" by a great many different aspects of their fellow human beings, even when they turn this response into the "interested" pursuit of an act or object of determinate judgment (such as orgasm). If we accept Foucault's argument that the nineteenth century witnessed a shift in the organization of social power from juridical structures of kinship to the incitement to sexuality, medical

⁵² One might say that pornography, which appears to be the furthest thing from Kant's object of aesthetic judgment, is a way of training aesthetic taste in the *specifically sexual domain*. *Anatomical perception* is given a collective, communicable form through the rituals, texts, and objects of anatomy education in American medical schools; see Thomas Fountain, "Anatomy Education and the Observational-Embodied Look," *Medicine Studies*, vol. 2, no. 1 (2010), 49-69. Does pornography substitute for *ars erotica* in cultures whose experience of embodiment is dominated by medicine?

⁵³ Immanuel Kant, "Dreams of a Spirit-Seer Elucidated by Dreams of Metaphysics," in *The Cambridge Edition* of the Works of Immanuel Kant. Theoretical Philosophy, 1755-1770, translated and edited by David Walford and Ralf Meerbote (Cambridge: Cambridge University Press, 1992).

⁵⁴ Kant, *The Metaphysics of Morals*, 6:425; Soble, 58-59, 63.

science is one discourse and practice suturing together those regimes so that the change was undetectable to most people.⁵⁵

As mentioned, Kant's Copernican Revolution made the situated and limited human perceiver the only possible source of knowledge regarding experience, overturning centuries of efforts to define knowledge using a divine standard. Kant's prioritization of finitude, so fruitful in the scientific domain, had another unfortunate consequence for sexuality. Kant himself associated finitude with the conditions of perception rather than with death (although both are obviously aspects of human embodiment). On the other hand, as Foucault has shown, nineteenth century medicine reached its positivist threshold by identifying finitude with death and "disease" as the struggle of organic functions against their own capacity for disruption and dysfunction.⁵⁶ Internal to both the perception of disease and the history of the living body, death threatened to appear in whatever desires or behavior resisted the vital functions as identified by biological science.⁵⁷

In this context, "perverse" behavior, non-reproductive behavior of couples, the sexual responses of children too young to reproduce, and women's inarticulate resistance to a sexual culture that denied them agency and desire were sources of nineteenth century social alarm that persists until this day.⁵⁸ To circumvent the limitation of eroticism to its "biological" form, it may someday be necessary to question Kant's blanket identification of human experience with finitude. Indeed, in the essay "Preface to Transgression," Foucault grapples with the problem of an infinite that would not, as in Kant and Hegel, be understood in relation to a limit, stating that "never did sexuality enjoy a more immediately natural understanding, and never did it know a greater "felicity of expression," than in the Christian world of fallen bodies and of sin."⁵⁹ Is it possible to understand eroticism and knowledge in relation to the infi-

⁵⁵ Using Foucault's lecture course on the *Abnormal*, Mader shows how the nascent science of genetics enabled popular understandings of the body as substrate of *inheritance* to be transformed without social disruption, even to the present day; Mary Beth Mader, "Foucault's 'Metabody'," *Bioethical Inquiry*, vol. 7, no. 2 (2010), 187-203.

⁵⁶ Foucault, *The Birth of the Clinic*, 153-156.

⁵⁷ For example, on Vicq d'Azyr's 1786 contribution to debates between vitalism and mechanism which Kant hoped *Critique of the Power of Judgment* might resolve: "The organic becomes the living and the living is that which grows, produces, and reproduces; the inorganic is the non-living, that which neither develops nor reproduces; it lies at the frontiers of life, the inert, the unfruitful--death;" Foucault, *The Order of Things*, 232. Later in the same text, Foucault comments with respect to the analytic of finitude instituted by Kant: "The death that anonymously gnaws at the daily existence of the living being is the same as that fundamental death on the basis of which my empirical life is given to me;" Foucault, *The Order of Things*, 315. The majority of medical theorists after Kant were strongly influenced by Schelling, who did not hesitate to postulate determinate ends and to seek a greater degree of regularity in medical phenomena than Kant himself; Wiesing, 226.

⁵⁸ Foucault, *The History of Sexuality*, 104-105.

⁵⁹ Michel Foucault, "A Preface to Transgression," in *Aesthetics, Method, and Epistemology: Essential Works of Foucault 1954-1984 Vol. 2*, edited by James Faubion (New York: New Press, 1998), 69. For comparison, Deleuze does not return to medieval theology but to Spinoza for his idea of an immanent *infinite*, both embodied and virtual, from which desiring-machines and affects (including pleasure and pain) are selected without reference to the teleology of organs and organic systems, though they may well be compatible with organic health.

nite rather than to finitude, especially a finitude figured as death, madness, or criminality—without imagining that infinite as either a repeated and despairing transgression of boundaries or as the divine source of such boundaries?

We "Other Kantians"?

All of these objections may suggest that it is absurd to even consider Kant's *Critique of the Power of Judgment* as a resource for contesting the deployment of sexuality in the name of "bodies and pleasures." However, there are three reasons I believe this is worthwhile. First, I think this was the subtext of much of Foucault's own intellectual trajectory. There is a strong thematic connection between Foucault's early research into the archaeology of institutions and discourses distinguishing normal from abnormal, establishing the epistemological groundwork for the medical and human sciences, and his later efforts to find a genealogy rather than a biology behind Western discourses on sex. This thematic connection is reinforced by Foucault's persistent interest in the criteria—historical and philosophical—distinguishing "scientific" from "subjugated" knowledge about numerous subjects including sexuality. His work clearly suggests that the West might have developed different forms of *savoir* and a different experience of embodiment if it had begun from different aesthetic experiences, such as those found in Greece and early Rome.

Second, it is problematic to suggest we should think about sexual difference using Kant's antinomies (like the Lacanians) or think about queer life using the Kantian ethics of autonomy and universal norms (as do many ethicists) without first recognizing how Kant contributed to the development of a historical anthropology in which sexuality was a scientific phenomenon subject to a norm. It is useful to consider how Kant himself might have escaped the system he helped build, even if he did not wish to make the effort. In fact, Kant's analysis of the transcendental conditions for knowledge of the natural world includes the capacity for reflective as well as "determining" judgments—that is, judgments regarding the "fit" between nameless forms or formlessness in nature and the communicable or contagious quality of the feeling they provoke in the perceiver, as well as judgments drawing conclusions from existing concepts. Although Kant left sexual diversity as a problem for morality, his explorations of natural science and anthropology reinforced that morality in ways that cannot be easily be reversed without approaching the Kantian system from a new angle.

Finally, it is important for people who practice and study queer life to be able to find a place within the philosophical tradition, even if that place is relatively undeveloped. In the essay "Abjection and Ambiguity" Tina Chanter argues that abjection is embraced—miserably and rebelliously—by individuals who are unable to situate themselves elsewhere in a social landscape. One can hear echoes of something like the psychoanalytic theory of abjection put forward by Kristeva in Foucault's historical accounts of exclusion and confinement, as well as

⁶⁰ Tina Chanter, "Abjection and Ambiguity: Simone de Beauvoir's Legacy," *The Journal of Speculative Philoso*phy vol. 14, no. 2 (2000), 138-155.

his explanations for the discipline-specific criteria for recognition as a speaker of truth in the *Archaeology of Knowledge* and later seminars on subjectivation.⁶¹

Even if Kant would have been hostile to *History of Sexuality*, it is important to identify where the indeterminate attractions, acts, and affinities elaborated by other cultures and subcultures Foucault calls *ars erotica* would have found a place in the Kantian landscape of disciplines and their transcendental conditions—a landscape our culture continues to cultivate. Perhaps there is a "territory" for these pleasures in some *other* history of Western philosophy, even one governed as much by the transcendental domains mapped out by Kant as our actual history turned out to be.⁶² In the absence of such a place, for sexual minorities to speak about biologically disinterested pleasure paradoxically means speaking outside of philosophy as well as science, our culture's two master discourses on reason, and risks the temptation to identify with what is abject.

Following the nineteenth century equation of life with teleological organic function, defined against the background of death, Freud associated sexual variations with the child's most basic drives of activity, passivity, and mastery—but also, in his later writings, with a "death drive" that ran counter to socially organized (heterosexual) Eros.⁶³ From Bataille to Bersani, these pleasures have been described as "self-shattering." Such phrasing evokes and challenges the foundational character of "death" that gave rise to nineteenth century medicine, but also risks leaving queer people in an abject corner of its *episteme*.

It seems more modest to observe that shattering of self is not necessarily shattering of body. In the Analytic of the Sublime, Kant specifies that pure (but communicable) reflective pleasure in the capacity for self-determination is only possible for a spectator who is minimally protected—as a physical being—from the danger or the cognitive incomprehensibility against which he or she tests him or herself.⁶⁴ While the sublime does not pose physical danger, however, it *does* disrupt the psyche, which understands its own embodiment in purely medical terms, and perhaps also the psyche oriented towards pragmatic or teleological interests.⁶⁵ I would argue that disinterested pleasure in the beautiful involve a less obvious disrup-

⁶¹ For example, Foucault, "The Discourse on Language," 232-33; and Foucault, Fearless Speech, edited by Joseph Pearson (New York: Semiotext(e), 2001), 72-73. See also Julia Kristeva, Powers of Horror, translated by Léon Roudiez (New York: Columbia University Press, 1982).

⁶² Kant, Critique of the Power of Judgment, 5:176-177.

⁶³ Sigmund Freud, "The Instincts and Their Vicissitudes," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Vol. 14*, edited and translated by James Strachey (London: Hogarth Press, 1953-74), 111-140; Sigmund Freud, *Beyond the Pleasure Principle*, in *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Vol. 18*, edited and translated by James Strachey (London: Hogarth Press, 1953-74).

⁶⁴ Kant, *Critique of the Power of Judgment*, 260-261. By contrast, Burke's account is physiological and anthropological without being medical, and includes reference to repetition, fear, pain, and desire in creating representations; Edmund Burke, *A Philosophical Enquiry into the Origin of Our Ideas of the Sublime and Beautiful*, edited Adam Phillips (Oxford: Oxford University Press, 1990). Unlike Kant, Burke distinguishes between delight (relief) and pleasure. However, Kant's goal is to identify the feeling of pleasure and pain [*Gefühl*] with a state of mind in which the *empirical body* is not involved, although it may be essential for *discovering* the limits and capacities of such bodies.

⁶⁵ Huffer, 76, 128-129.

tion of the psyche – something more akin to suspense than shattering.⁶⁶ In neither case, however, is aesthetic pleasure the fate of a spectator without protection or powers who must identify as abject because he or she is radically *endangered* by formlessness or phenomena for which he or she lacks concepts. Nor is it the fate of a spectator who embraces death because he or she lacks and is forbidden to invent non-biological terms for understanding his or her desire — as Kant apparently believed when he claimed that homosexuality was worse than suicide.

This is my final reason for explaining the relationship between the interested and disinterested, the aesthetic and the biological in Kant and Foucault—to ensure that there *is* a protected place from which non-teleological desires can be other than abject, against Kant and many aspects of the society he helped to structure. Those are enough reasons to ask "what if" we read Kant this way—if imagination is part of reality, as Kant believed, then maybe a counterfactual can be a kind of home.⁶⁷

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⁶⁶ Huffer, 120-122; Karmen MacKendrick, *Counterpleasures* (Albany: State University of New York Press, 1999), 139-140. Huffer is careful to distinguish "desubjectivation" from actual madness (for example, schizophrenia), although she acknowledges that the habit of interpreting *eros* only through "shamed" psychic interiority can have serious costs on quality of life; for MacKendrick, resistance is itself capable of provoking and intensifying the feeling of power as a non-teleological pleasure.

⁶⁷ Many thanks to Brent Adkins and Andrew Cutrofello for insightful comments on early drafts of this paper, to the Baker-Nord Center for the Humanities Research Working Group on Sexuality and Medicine for support, and to Amy Braunstein for production assistance.