

To be sure, this is a meta-foundational way of framing her project. Brake does not claim such lofty aims. Nonetheless, *Minimizing Marriage* contributes in important ways to that effort. Further, she offers a compelling account—from a political liberal perspective—of what the state should do with marriage and why. Deep critics of political liberalism will be interested but not, I think, won over. Anyone interested in liberal, feminist, or care theory, Rawls, and, of course, marriage—current and future—will gain much from reading this book. It is one of the most rigorous, comprehensive, and compelling political liberal treatments of the marriage question out there—if not the best.

John Corvino, *What's Wrong With Homosexuality?* (Oxford: Oxford University Press, 2013), ISBN 978-0-19-985631-2, 170 pp.

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Nothing. Nothing is wrong with homosexuality, argues John Corvino in *What's Wrong With Homosexuality?* As part of Oxford's Philosophy in Action series, Corvino captures the aim of the series by providing an accessible yet rigorous book on an issue that remains contentious in popular culture.¹ While the book makes no surprising or original arguments for the moral acceptability of homosexuality, it is nevertheless a welcome and timely addition to the debate. Professional philosophers looking to recommend a readable, clear, and fair treatment of the topic need look no further than Corvino's book.

What's Wrong With Homosexuality? largely succeeds in addressing both popular and academic objections to the morality of homosexual relationships and conduct (Corvino briefly addresses legal objections to homosexual relationships²). The first chapter sets the parameters of the debate and offers a brief positive case for thinking homosexuality is permissible. This positive argument is one from value: many homosexual relations are valuable, and, as such, have a positive moral status. He argues that same-sex relationships are valuable "because they make some

¹Though this contention is waning as attitudes towards homosexual relations shift. A recent Gallup poll states that 59% of Americans find homosexuality to be morally acceptable compared to 40% in 2001: <http://www.gallup.com/poll/162689/record-high-say-gay-lesbian-relations-morally.aspx>.

²Corvino has co-authored a "Point/Counterpoint" book with Maggie Gallagher entitled *Debating Same-Sex Marriage* (Oxford: Oxford University Press, 2012), where he advocates legalizing homosexual marriages.

people happy” (16). Happiness is not just a matter of pleasure or feeling good; instead, a person’s happiness is also determined by whether the person lives a deep, meaningful, and authentic life. Hence, the case for the value of homosexual partnerships is akin to the case for the moral value of heterosexual partnerships: both are important sources of value.

The remaining chapters (with the exception of the final chapter on legal issues) attempt to refute various objections to the morality of homosexuality. Though labeled with inscrutable titles in the book, the chapters cover the following terrain: the argument from Christian scriptures (chapter 2), the argument from harm (chapter 3), the argument from nature (chapter 4), the argument from genetics (chapter 5), and the slippery-slope argument (chapter 6).

The argument from Christian scriptures relies on the idea that we have divine testimony for the claim that all homosexual behavior is morally wrong. Corvino’s goal is to show that such arguments are at best simplistic and at worst dishonest. The standard Biblical verses cited against homosexuality are mentioned and several doubts about them are raised. Corvino’s primary strategy comes in the form of a dilemma: either the verses should be understood in a straightforward, simplistic manner or they should be read with considerable cultural and historical context in mind. If the former, one must also read other verses in the same manner. This results in absurd moral judgments about the status of women and slavery. If the latter, plausible arguments can be made for the claim that the verses state that only certain homosexual acts are impermissible while others are not. On this horn of the dilemma, positive and authentic relationships between members of the same sex might not be immoral.

The argument from harm concludes that homosexuality is morally wrong because it is “a risky lifestyle.” For example, it is often suggested that homosexuals tend to have a shorter lifespan, are unhappy, and so on. Corvino challenges this argument first by denying the empirical claim that most homosexual relationships are risky and second by denying that anything morally interesting would follow even if they were risky.³ The latter point is clearly correct and too often ignored. That some behavior is more risky than other behaviors is not a decisive reason to think that it is morally wrong. After all, if it turned out that lesbian relationships were safer for women, this would not be any reason to think that heterosexual relationships are always wrong! Many risks are worth the costs and even if they weren’t worth the cost, deference to the autonomy of other agents

³Unfortunately there are in many cases significant risks imposed on homosexuals by others due to discrimination, but this is not a reason to think homosexuality is morally wrong.

would suggest that informed consent would be enough to make risky behavior morally permissible.

The argument from nature turns on the idea that homosexuality is, in some yet-to-be-specified sense, unnatural, and furthermore what is unnatural is morally suspicious. In certain circles, the claim that “an action or disposition x is natural” is taken to confer permissibility, and “an action or disposition y is unnatural” is taken to confer impermissibility. However, such claims do not usually rise above rhetoric or begging the question. Corvino notes that we should ask two questions when confronted with such claims: First, what does the speaker mean by “natural”? Second, why is what they mean relevant to morality? There are many answers to the first question, but the answer to the second question is usually: *it isn't*. The fact that something is unusual, rare, not practiced by other animals, disgusting to the speaker, doesn't proceed from innate desires, and so on, does not entail (or even make probable) that it is wrong.

In what is probably the most technical section of the book, Corvino deals with a more sophisticated version of the argument from nature that stems from New Natural Law (NNL) theory. Following Thomas Aquinas, NNL theorists hold that morality is about aligning our behavior to our nature as human beings. Our nature determines what is good for us and what our purposes should be. Our purpose as human beings is to obtain certain goods such as life, knowledge, friendships, aesthetic experience, integrity, and so on. These goods and others provide reasons for action for beings like us. According to the NNL theorists, we know about basic goods through direct insight—one either “gets it” or doesn't.

Among these lists of goods listed by NNL theorists (conveniently) is *marriage*. They understand marriage as a comprehensive, “two-in-one flesh” relationship between a male and a female. Sex is chosen because it realizes this state, and through sex, couples' bodies unite into a single reproductive body. Since homosexual sex does not result in such a union, it frustrates one of our purposes. A homosexual relationship is a counterfeit good and, as such, behavior aimed at this end is morally impermissible.

Corvino offers several responses to NNL, though perhaps the most important is the well-known counterexample of morally permissible sex between infertile, heterosexual partners. Consider a woman whose cancerous uterus was removed—is it permissible for her to have sex with her husband? The typical NNL theorist's response is “yes it is permissible for them to have sex because their act is of the *reproductive type*.” But Corvino points out that it is unclear why this is the case; coitus is neither necessary nor sufficient for reproduction, so in what sense is this a token action *of the reproductive type*? Here NNL theorists argue that the sex *aims* or is coordinated towards reproduction:

When Einstein and Bohr discussed a physics problem, they coordinated intellectually for an intellectual good, truth. And the intellectual union they enjoyed was real, whether or not its ultimate target (in this case a theoretical solution) was reached—assuming, as we safely can, that both Einstein and Bohr were honestly seeking truth and not merely pretending while engaging in deception or other acts which would make their apparent intellectual union only an illusion.

By extension, bodily union involves mutual coordination toward a bodily good—which is realized only through coitus. And this union occurs even when conception, the bodily good toward which sexual intercourse as a biological function is oriented, does not occur.⁴

But, Corvino notes, the Einstein-Bohr case is disanalogous. A more relevant analogy would be between scientists mulling over a problem that is known to be insoluble—and it is disingenuous in this case to describe their activity as coordinated towards a solution. Similarly, it is disingenuous to describe the activity of a husband and wife who know of their infertile status as aimed towards reproduction!

Furthermore, even if the infertile couple issue can be accommodated, it is dubious that bodily union is the only (or even primary) good achieved by sex. Surely such things as the expression of affection, building of intimacy, and shared sexual pleasure are goods as well. The>NNL theorist may deny that such things are good or deny that sex achieves them. The denial of the latter option is unsustainable while the denial of the former is counterintuitive.

In the fifth chapter, Corvino considers the etiology and phenomenology of homosexuality as it relates to morality. He argues that neither a behavior's causal origins nor its mutability are morally relevant features. Given the ubiquity of such inferences on both sides of the popular-level debate on homosexuality, this point is an important one. For example, some say that since homosexuality is innate, it must be morally permissible. A popular response to this argument is to deny the empirical premise rather than the flimsy assumption that what is innate is permissible. There is a particularly useful section of the chapter on the essentialist/constructionist debate. For example, some persons claim that if the constructionists are right that our sexual identities are socially constructed, then homosexual identity is easily malleable or not significant. Corvino shows that this is false.

The sixth chapter deals with various permutations of the slippery-slope objection to homosexuality. The basic objection relies on a supposed inability to find a new line to demarcate permissible sexual relationships once the traditional view is sacked. And if there is no new line, then all forms of sexual perversion must be morally permissible. For this reason, Corvino calls this the polygamy, incest, and bestiality argument

⁴Sherif Girgis, Robert George, and Ryan T. Anderson. "What is Marriage?" *Harvard Journal of Law and Public Policy* 34 (2010): 245-87, p. 254.

or the “PIB” argument for short. This argument comes in both a causal and logical form. The causal form states that if homosexuality is seen as permissible or legal, then this will cause polygamy, incest, and bestiality to be either more prevalent or seen as permissible or legal. Corvino offers reasons to think that these empirical claims are weak, and at best confuse correlation with causation.

The logical version of the PIB argument proceeds by *modus tollens*:

- (1) If homosexual behavior is permissible, then PIB behavior is permissible.
- (2) PIB behavior is not permissible.
- (3) So, homosexual behavior is not permissible.

Corvino responds to this line by asking what one has to do with the other and denying the first premise. The claim that the sex of one’s partner is morally irrelevant doesn’t entail the claim that the number of partners is morally irrelevant or that the species of one’s partner is morally irrelevant. Corvino is concerned here not with making a pronouncement on the moral status of PIB behaviors, but with clearly separating the issues.

However, his response to the logical form of the PIB argument is the weakest part of the book. Recall that Corvino’s positive case for homosexuality was that *same-sex relationships are valuable because they make people some people happy*. This case directly transfers over to PIB behaviors, for such behaviors make at least some people happy as well. So, on pain of inconsistency, it looks as if Corvino must either explain why those PIB behaviors that make people happy lack value nonetheless or else identify a morally relevant difference between the homosexual behaviors that he finds valuable and the PIB behaviors that he does not. But Corvino does neither.

Consider the claim that incest and polygamy are valuable because they make some people happy. Corvino asks us to consider each behavior on its own merits, but then asks “are [there] overriding reasons for discouraging or condemning polygamy today?” (126). The question appears to change the topic from whether polygamy is *morally permissible* to whether it is *legally permissible*. Corvino’s hesitation about polygamy reveals he has made this confusion:

Polygamous societies are almost always *polygynous*, where one husband has multiple wives ... The usual result is a sexist and classist society where high-status males acquire multiple wives while low-status males become virtually unmarriageable. Thus from a social-policy point of view there are reasons to be wary of polygamy. (126)

But the logical version of the PIB argument isn’t about the social-policy point of view. It’s about whether Corvino’s positive case for homosexu-

ality entails that polygamy is sometimes morally permissible.

Corvino makes the same confusion in his brief discussion of incest. He approvingly quotes Jonathan Rauch:

Imagine being a fourteen-year-old girl and suspecting that your sixteen-year-old brother or thirty-four-year-old father had ideas about courting you in a few years. Imagine being the sixteen-year-old boy and developing what you think is a crush on your younger sister and being able to fantasize and talk about marrying her someday... I cannot fathom all of the effects which the prospect of child-parent or sibling-sibling marriage might have on the dynamics of family life, but I can't imagine the effects would be good, and I can't imagine why anyone would want to try the experiment and see.⁵

Again, notice the emphasis on marriage—a legal issue. Moreover, it is not clear why an intimate adult sibling couple would consider their relationship to threaten “the dynamics of family life.”⁶ Finally, Corvino himself has given us one reason why persons may want to try the experiment: *because it might make them happy*.

Concerning bestiality, Corvino notes that a relevant difference between bestiality and the other PIB behaviors is that nonhuman animals cannot explicitly consent. Still, he notes that since their consent isn't taken to be necessary for a lot of things we do to them, it is unclear why it would matter here. There is also less public evidence about the happiness of zoophiles in comparison with the happiness of those in polygamous and incestuous relationships. But remember that earlier he denied that an action's being fruitless or even harmful would entail that it was morally wrong. So despite this lack of a case against the moral permissibility of the PIB behaviors, Corvino seems desperate to conclude that they are always wrong. For example, after mentioning that zoophiles may be, for all he knows, “some of the most psychologically healthy people in the world,” he says: “And if that were so ... I would have to find some other argument in order to maintain [my] objection or else conclude that bestiality's wrongness is a fundamental moral fact” (129). This glosses over the obvious alternative: Corvino could grant that at least some PIB behaviors are morally permissible. Indeed, he *should* do this given his positive case for homosexuality. If the standard for morally acceptable sexual relationships moves from the arbitrary traditional view to the new standard offered by Corvino, namely, consensual relationships that make people happy, it is hard to see how all PIB behaviors are thereby excluded. And that is exactly the point of the logical version of the slippery-slope argument. For the sake of consistency, Corvino should deny the second

⁵Jonathan Rauch, *Gay Marriage: Why It Is Good for Gays, Good for Straights, and Good for America* (New York: Times Books, 2004), p. 132.

⁶For example, New Jersey and Rhode Island do not criminalize incest. Some countries that do not criminalize incest are France, Brazil, Portugal, Spain, and Russia.

premise of the argument instead of the first: yes, there is a “slide down the slope,” but it’s not true that the bottom of the slope is problematic. Not all PIB behaviors are morally wrong.

The final chapter of Corvino’s book considers more “public relations”-type issues, for example, whether anti-gay advocates are bigots (Corvino wisely advises that we be careful with the word), the practice of “demonizing” in the other side of the debate, his friendship with anti-gay advocates, and the legal marriage debate. Corvino does an excellent job addressing the difficult issue of friendship and tone with those we deeply disagree with. On one hand, many people want to shelter themselves from disagreement and ostracize those they take to have morally pernicious views. On the other hand, many people just want “everyone to get along.” Both hands simplify the issue. Corvino notes that our friendships with others are a way of expressing our values. And such friendships can often be painful and strenuous—but they can remain important to us nonetheless. In all, Corvino’s book is an exemplar of public philosophy. It is an entertaining and rigorous read. It would provide an excellent stocking-stuffer for unruly family members.

Elisabeth Ellis (ed.), *Kant’s Political Theory: Interpretations and Applications* (University Park: Pennsylvania State University Press, 2012), ISBN 978-0-271-05377-6, viii + 256 pp.

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This is a wonderful collection. It begins with three of the best essays on Kant’s political philosophy published in the past few decades. The first of these is Onora O’Neill’s critique of the common assimilation of Kant to the social contract tradition. The second is a lucid demonstration by Arthur Ripstein—a capsule or snapshot of his renowned book—of how Kant’s argument that we need law to be externally free can be played out entirely a priori. And the third is what seems to me a wholly persuasive argument by Thomas W. Pogge to the effect that Kant’s *Rechtslehre* is better read as a “political liberalism” than a “comprehensive liberalism.”

The rest of the collection is not quite on this level, but it includes a very intriguing case on Kantian grounds for a world state by Louis-Philippe Hodgson, a wonderfully incisive reading of Kant’s “unsocial sociability” by Michael Ferguson, an admirable account by Mika LaVaque-Manty of the political import of Kant’s lectures on pedagogy,