

Sexual Morality

I. Questions

- 1) What moral principles apply to sexuality? Is sexuality governed by moral principles with specifically sexual content or only general moral principles that apply to all action?
- 2) What is the most plausible view concerning the moral status of each of the following: sex before (or after?) marriage; adultery; homosexuality; prostitution; the use of contraceptives; masturbation; open marriage?
- 3) What is the relation between law and morality? Should the law simply protect rights, or should it also enforce morality? Should there be laws regarding sexual behavior between consenting adults? What other governmental policies, if any, is it permissible to use to influence sexual morality?

II. Conservative Views

Natural Law Approach: Basic form of the view (Aquinas and Catholic doctrine)

1. "It is good for each person to attain his end, whereas it is bad for him to swerve away from his proper end. [And] this should be considered applicable to the parts, just as it is to the whole being; for instance, each and every part of man and every one of his acts, should attain the proper end." (MM, 268)
2. Procreation is the natural purpose or end of sexual activity [or at least the proper end of the emission of semen].
3. Therefore, sexual activity [or the emission of semen] is morally appropriate only when it is in pursuit of procreation?
 - What about sex where one or both partners is infertile?
 - If it happens *by accident* that procreation cannot result, it is not wrong.
 - What about intentionally having intercourse when a woman is not ovulating?
 - Here too, we must consider what is essential and accidental to the act; it is an accidental feature of intercourse *when* it is performed, what is essential is *how* it is performed.
 - What about kissing? If mouths are for eating (or talking?), then is kissing contrary to nature and so wrong? (And licking stamps? Is that wrong too? (Mohr, MM 278))
 - Perhaps we should not view the organ as having an essential function, but the activity. It is wrong to lick stamps for the taste; it is wrong to kiss in order to moisten your lips.

Modified Natural Law Approach: (Levin)

1. "An organ is for a given activity if the organ's performing that activity helps its host or organisms suitably related to its host, *and* if this contribution is how the organ got and stays where it is." (MM 283)
2. One function of the penis is for intercourse.
3. Misusing an organ is abnormal and is likely to cause harm and unhappiness.
4. Homosexual sex between men misuses the penis.
5. Men ought (prudentially) not to engage in homosexual sex.
6. If homosexuality "makes for unhappiness" then we have a moral obligation to discourage it. (MM 285)

Responses:

- i) What is natural (common? practiced (or not) by other animals? innate?) is not a good guide to what is morally acceptable. Also, homosexuality is, on some understandings of the term, natural (found in the non-human animal world, possibly not chosen but innate, not at all rare).
- ii) What are the purposes of the sexual organs or sexual activity? Can they only have one purpose? Is it really wrong to use an organ for a purpose it wasn't designed? For example, what is the primary purpose of orgasm? If it is not the primary purpose of female orgasm to promote reproduction (as Lloyd argues, and is supported by the observation that female orgasm does not correlate with conception), should we conclude from the natural law arguments that female sexuality is not *for* reproduction, and so is permissibly used, e.g., for pleasure?

iii) Not all “misuses” of organs are harmful to the organism. My arms are not “for” wheeling a wheelchair; but if I am disabled, it may be highly beneficial for me to use them this way. Whether homosexual activity is harmful should be discovered empirically, not by arguments from function.

- It is not reasonable to make generalizations about homosexuality from a few problematic cases. It may be that some sorts of homosexual behavior is harmful to the individuals who engage in it, or to society, but the same may be said of some sorts of heterosexual behavior.
- Many of the harms of homosexuality are the result of the oppression of homosexuals, not homosexual acts or dispositions.
- *Even if sex within committed heterosexual relationships is best (most fulfilling? most self-merging? most what?)*, it is not correct to claim that homosexuality is preventing individuals from achieving the ideal. It may be that loving homosexual sex is the best they can achieve (and better than celibacy). Moreover, there is no reason to think that homosexual sex is any worse than the majority of sex within committed heterosexual relationships.

III. Social Utility Approach

1. It is best for society overall if children are raised in stable [heterosexual] families.
2. Stable families are achieved only if sex is confined within and exclusive to [heterosexual] marriage.
3. One ought to act so as to promote social utility (utilitarian principle).
4. Therefore, one ought to restrict sexuality to [heterosexual] marriage.

Questions might be raised about all three premises of this argument.

IV. Romantic View (Sex with Love)

1. Sex without love risks “depersonalization” and other psychological harms.
2. Sex with love avoids these risks.
3. It is best overall to act in a way that is neither harmful to oneself or others.
4. Therefore, one ought only to have sex with love.

V. Liberal View (Informed Voluntary Consent) (Mappes)

1. Sex should be guided by the moral principles that apply to any human activity.
2. It is an important moral principle that one should not act to cause (unjustified) harm to oneself or others.
Another moral principle is that one should not treat others as mere means, i.e., not use them in ways that it would not be reasonable for them to consent to.
3. Sexual activity between two adults is morally acceptable if and only if both participate under conditions of voluntary informed consent.
4. Voluntary informed consent is incompatible with deception and coercion.
5. Therefore, sexual activity is not permissible when there is either deception or coercion (and it is prima facie permissible when there is neither deception or coercion?).

D. “More than Consent” View (West):

1. Sexual activity may be harmful even if consensual. E.g., if it is consensual but not desired, it may compromise one’s capacities for self-assertion and self-possession, undermine one’s autonomy and damage one’s integrity. (West).
2. It is wrong to act in ways that cause (unjustified) harm to oneself or others.
3. Therefore, not all sexual activity engaged in under conditions of voluntary informed consent is morally acceptable.

In an effort to articulate the wrongs of rape, feminists (and others) have emphasized the importance of non-consensuality as central to that wrong. It is tempting, then, to assume that if there is consent, then everything is fine and good. But this is wrong. It may be that non-consensuality is one of several things that are wrong with rape, yet because consent has the power to shift the boundaries of rights (people have different rights with respect to you depending on your consent), the state/legal system has a special interest in whether sex is consensual or non-consensual. However, this focus on consent should not eclipse other moral concerns that arise in sexual activity.