

Chapter 16

Getting It On: The Ethics of Sex

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- ▶ Looking at the moral concerns of sex
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probably no topic causes more moral debate than sex. Have you ever wondered why that is? Next time you're in a public place, take a quick look around. Every person you see is a result of two people having done it. A lot of sex is going on, and without it the human species wouldn't continue.

But you don't need to be a sex therapist to know that just because sex is common doesn't mean it comes without ethical issues. In fact, when some people think about ethics and morality, the only thing they think about is sex. Some believe these issues are just relics of repressive religions or the long-past Victorian era — and some of them may be. But sex is central to relationships of all kinds, and whenever you have relationships between people, ethical issues are going to pop up. So everyone, including the church-going crowd or the old-fashioned prudes, can benefit from thinking through the ethics of sex.

We start off this chapter with an overview of why sex has ethical issues. We then delve into some of the traditionally hot topics that arise when sex meets ethics.

Focusing on Sexual Ethics: The High Stakes of Intercourse

People really like having sex: It brings them closer together (literally and otherwise), it feels good, and, heck, it's just darn good exercise. When so many benefits come together, who wouldn't see it as something desirable? On one level, if you concentrate on these three benefits, the ethics of sex don't seem that much different from the ethics of taking a good hike in the woods with friends.

However, having sex and taking a hike in the woods do have some important differences. With hiking, you can't catch life-changing diseases from your friend. Furthermore, most people feel they have a right to keep sex relatively private, and with that right to privacy comes ethical concerns not present with hiking. Finally, at least for sex, not hiking, is the first step to making babies. With baby-making comes pregnancy and a lot of (ethical and moral) responsibility. So it makes sense that people take sex a little more seriously than other kinds of leisure activities. In this section, we look at a couple of these general concerns with sexual activity.

Explaining the standard view of sexual morality

People who are obsessed with common-sense notions of morality love to talk about sex. The general view seems to be that while sex is morally permissible inside committed relationships (particularly married, monogamous, heterosexual relationships), it shows a lack of moral fiber to engage in sexual activity outside these relationships. Call this the *standard view* of sexual morality. Indeed, if someone describes you as having "loose morals," they're more than likely commenting on your sex life.



The view that most sexual activity *is* confined to married, heterosexual relationships is almost certainly false. Just turn on your television. But you have to remember that the standard view isn't a view of the way things actually are. It's an ethical view; Chapter 1 discusses that ethical views are views about the way the world *should* be rather than the way it currently is.

Some people think that advocates of the standard view of sexual morality are just out to keep people from having a good time. Although some may be acting as fun police, this criticism ignores the important parts of their view that you really ought to consider. By and large, the worries about sex stem from the fact that people are strongly driven to follow their sexual urges, and the consequences of following these urges can actually be pretty dramatic. After all, how many other highly pleasurable things result in the creation

of other human beings that need to be taken care of for many years in the future? People who subscribe to the standard view primarily worry about the following three risks.

Getting knocked up

The primary consequence of sex that the standard view centers on is pregnancy. Sex sometimes leads to pregnancy, which usually leads to babies. And babies are a lot of work. If sex resulted in being awarded a new car, you could just leave the car in the garage until someone you knew needed one. But babies require much more. They must be gestated for nine months, during which time it becomes more difficult (occasionally much more difficult) for a woman to go about her daily life. You also must consider the painful and frequently costly act of childbirth. Finally, after all that, life becomes even harder when you consider the tiny, fragile being that must be fed, clothed, and sheltered for many years.

Babies bring a great deal of joy to people's lives as well, but the point of drawing this out is to show that sex can lead to a lot of work after the fun. When the couple isn't in a committed relationship, the work threatens to fall on only one person — generally one woman. The standard view of sexual morality exists to some degree because in the heat of the moment, no one is likely to think about these powerful moral responsibilities down the road.

Of course, some ways are available to stop sex from leading to these responsibilities. Contraception, condoms, and abortion all put up barriers between sex and babies. Those alternatives aren't all 100 percent effective, and they aren't without their ethical detractors (particularly abortion, which you can read about in Chapter 12). But the standard view attempts to do an end run around those alternatives and prevent people from having to deal with them in the first place.

Contracting an STD

Another consequence that motivates the standard view of sexual morality is the possibility of catching sexually transmitted diseases (STDs). Some of these diseases can be cured with a quick dose of antibiotics, but others, like HIV/AIDS, have no known cure and can lead to death. Sexual urges can distract people from thinking about these diseases in the heat of the moment, so passing on STDs can be a particularly poignant example of something very pleasurable hiding a painful consequence.

Of course, one can take precautions to avoid catching diseases from sex. Condoms in particular dramatically reduce the chances of getting most diseases, but they don't eliminate the chances. A committed monogamous relationship is an even more effective way to avoid STDs (assuming partners actually are committed, monogamous, and disease free), and the standard view makes good use of that fact.

Dealing with hurt feelings

Another not-so-minor consequence that motivates the standard view of sexual morality is the chance of hurting another person's feelings. Unless you're some kind of robot sex machine, you've probably realized that sex comes along with some pretty big emotional consequences. Sex involves not only physical closeness, but it creates feelings of emotional intimacy as well. Many people only want to have sex with someone they feel emotionally close to, and afterward it's common to bask in this closeness partly through making oneself emotionally vulnerable to the other.

Although some people can separate sex from these powerful emotions, doing so may not be desirable. When one partner desires an emotional connection that the other doesn't, it can lead to pain and regret. A roll in the hay can be a lot of fun, but to make your entire sex life only about the fun of the act leaves some people with empty feelings. Certainly it can be a big mess if one partner wants the entire encounter to just be about fun, while the other wants love, warmth, and future emotional encounters. Sometimes sexual partners even play on these recognized wants, promising emotional connections that they aren't prepared to offer in exchange for sex. This implies insensitivity, deception, and even manipulation.

It's not always possible to sort these things out when you're seeing paradise by the dashboard lights, but it would be disrespectful to assume that the person you're about to jump in the backseat can handle whatever you want to happen the next morning. Even though committed relationships are no guarantee of emotional stability, the standard view's insistence on them encourages emotional expectations to be settled beforehand.

Evaluating the morality of sex under the standard view

The previous section presents the standard view's concerns about the possible consequences of having sex outside of a committed relationship. According to popular morality as represented by the standard view of sexual morality, committed relationships are the best way to minimize the risks associated with these consequences. So does that mean sex out of wedlock is immoral? That question turns out to be a difficult one to answer.



One thing you can conclude is that sex in general comes with risks, including emotional risks (yes, even for men). The risks can be managed — though not perfectly — and committed relationships go a long way toward minimizing these risks. But risky behavior isn't inherently immoral or unethical. People invest in the stock market all the time, sometimes on very risky companies, but few people would say that what they're doing is immoral.

Just because risky behavior isn't inherently immoral, though, doesn't mean that it lacks moral dimensions. A moral life has to be, to some degree, a responsible life. So wanton disregard of the risks associated with sexual activity shows a dangerous disregard of one's responsibilities. Taking no precautions against pregnancy, STDs, or hurting other people's feelings proves so risky that it veers toward the immoral side of irresponsibility. Managing the risks, then, either through a committed relationship or other means, would distance you from the charge of irresponsibility.

Living up to one's responsibilities isn't always easy, particularly when sexual urges are so strong and sex feels so good. So concern about sexual morality seems to matter more for younger people than for people who have reached a certain level of maturity. After all, handling the possible consequences of sex is difficult when you don't have the financial, medical, and emotional means that come with maturity. Heck, if sex didn't feel good until people were mature enough to engage in it responsibly, maybe popular morality wouldn't be so preoccupied with it!



Deciding to keep sex within the confines of a committed relationship, as the standard view urges, becomes a reliable way of ensuring that you're living with a responsible amount of risk in your life. If the morality of sex is all about minimizing risks, then the standard view would be a good line to follow. But perhaps the standard view also has a blind spot for people's abilities to responsibly manage a sex life outside of traditional, heterosexual married life. This blind spot would suggest that while the standard view gets a lot right, it isn't the whole truth about sexual morality.

Debating Homosexuality

The ethics of sex in today's society often focuses on whether it's morally acceptable to have sexual relationships with people of the same sex. This focus isn't just a theoretical worry, because some people do want to have sexual relationships with people of the same sex. But others energetically object to these relationships. This section takes a closer look at this debate.



Some people object to homosexuality on the grounds that they find homosexual relationships distasteful or disgusting. Unfortunately, this argument doesn't work so well as an ethical argument. It may make for a good reason not to engage in homosexual acts, but why exactly would it serve as a good reason for other people — in particular those people who find the acts rather appealing — not to engage in them? After all, many people (including co-author Adam) find Brussels sprouts disgusting, but this isn't good reason for co-author Chris not to eat them, especially if he likes them. Disgust may give one person a reason not to engage in an activity, but without further argument, it doesn't give other people that reason. After all, why should one person's subjective tastes dictate another person's lifestyle, and more importantly, why should taste have any ethical significance whatsoever?

Looking at natural law theory and the ethics of being LGBT

One primary argument against homosexual relationships comes from a certain strand of thinking in an ethical tradition called *natural law theory* (though you should note that not all natural law theorists would argue this way). According to natural law theory, the laws of nature are set by God to help humans along. Thus human nature — and human bodies — must be used and understood in the ways that fulfill their true purposes. The purpose or primary function of sexual organs and sexual activity is said to be the procreation of the human race. Homosexual activity, then, is thought to subvert this natural purpose because it doesn't use sexual activity to promote procreation.

For the following several reasons, however, critics argue that this argument doesn't seem strong enough to make homosexual relationships immoral:

- ✔ **Despite the name, homosexual relationships are about more than just having sex.** As with heterosexual couples, the vast majority of time in most homosexual relationships isn't spent having sex but participating in activities that all sorts of people do together: cooking, walking, dining, watching television, going to the theater, and so on. So even if this strand of natural law theory is right about homosexual sex, it's difficult to see how it's right about feelings of love and affection for someone of the same sex.
- ✔ **The function of romantic love isn't just procreation.** One could argue that the purpose of romantic love is procreation as well, which would directly challenge the morality of homosexual relationships as a whole. However, this argument threatens a different problem altogether: If romantic love should only be used to urge procreation in relationships, then couples who elect not to have children would be just as immoral as homosexual couples who can't have children. In fact, one could argue that couples who choose not to have children are actually doing something worse, because they're at least capable of creating the little buggers.
- ✔ **The function of sex isn't just procreation.** This way of responding to the natural law theory argument works for the purpose of sexual activity as well. If all acts of sex must serve the ultimate interests of procreation, a lot of heterosexual fooling around looks like it's immoral as well. Sex during pregnancy, sex with condoms or contraception, sex during non-fertile times of the month, sex for couples after menopause, sex after a vasectomy, and really any sex just for the sake of pleasure or intimacy seems to be morally forbidden. This argument is difficult for most people to swallow.



One consistent position on the immorality of homosexual relationships exists using a natural law argument. Someone could bite the bullet and argue that all sex, except for the purposes of procreation, is morally unacceptable. But this position seems to be at odds with almost all natural human behavior and the vast majority of people's moral intuitions. Perhaps, if there's a natural purpose to sex, it's about more than just procreation. If that's so, homosexual urges may be just another way that human beings enjoy themselves.

Pondering tradition and same-sex marriage

One of the biggest debates of the late 20th and early 21st centuries in the United States concerns not just whether people of the same sex should have sex, but whether people of the same sex should be allowed to legally marry. The two sides break down their opinions as such:

- ✓ One side claims that the institution of marriage has always been between a man and a woman and that society should preserve this institution as is. Usually, these critics argue that legalizing same-sex marriage will lead to nasty consequences for society as a whole and families in particular. But even if it doesn't, they argue that it's not a great idea to change the meaning of long-standing institutions too quickly. According to these folks, who's to say that the homosexual relationships, which many view as promiscuous and dangerous, won't tarnish the established safety and monogamy of marriage?
- ✓ The other side argues that marriage as an institution has always evolved to accommodate changing views of human relationships. The norm in the Western world used to allow men to have as many wives as they could afford (or, if you were Henry VIII, as many as the Church of England would let you have). But gradually monogamy overtook *polygamy* (marriage between more than two people), and the institution of marriage adapted. Until the 20th century, interracial marriage was seen as dangerous and immoral, but most clear-thinking people nowadays see this restriction as an embarrassing and outdated prejudice. Why shouldn't marriage between two loving, consenting adults of the same sex be the next prejudice to fall? Doesn't it seem strange to label homosexuals as promiscuous while denying them access to the fundamental monogamous institution in Western societies?



Although marriage between same-sex couples hasn't been a widespread institution until recently and is untested in the long term, *untested* doesn't exactly mean *harmful*. Can you think of any additional harm that may come to society from allowing same-sex couples to get married? Some critics of same-sex marriage, in a rush to condemn a practice they find odd, express fear that homosexual marriage will lead to the eventual legalization of marriages between humans and animals or to the return of polygamous marriages. But these criticisms don't always pan out:

- ✔ **The legalization of human-animal relationships:** Critics point out that a crucial difference exists between same-sex marriage and human-animal relationships: consent. For instance, a child shouldn't be lawfully allowed to marry an adult because the child can't actually give consent to be married. He or she would be too young for the consent to actually mean what it needs to mean. Exactly the same thing can be said for one's pets or other animals.
- ✔ **The reemergence of polygamy:** Here critics can't go so fast. In principle it seems possible that multiple adults could actually consent to live together in a marriage (though in the real world, polygamous marriages often have been a tool to oppress women, so consent really flies out the window). As a result, nothing about consent seems to be limited to two people.

But it's difficult to see why same-sex marriage would make people more likely to want to consent to committed polygamous relationships. Perhaps the argument is that once you take down one barrier to marriage, many more will threaten to fall as well. Unfortunately, such an argument looks like it may indict interracial marriage as well. After all, interracial marriage was the first barrier to marriage to come down in a long while. But not many people see interracial marriage as anything like a moral problem any more. Might same-sex marriage seem just as normal 40 years down the line?

Tackling Exploitation in the Ethics of Pornography

Much pornography is protected speech according to U.S. law, and most other countries in the Western world view it the same way. However, the production and consumption of pornography is still an important ethical issue to consider. You can find pornographic material starring both men and women, but largely the ethical qualms people have with pornography deal with its portrayal of women.



Certain types of pornography are unquestionably immoral, including videos or pictures in which people aren't willing participants. This goes for all pornography involving children, who can't ethically or legally consent to sexual activity, and unwilling adult participants (either because they're forced to perform sexual acts or because they're drugged). No one defends this type of pornography, nor does any ethical defense seem even remotely plausible. This type of pornography is simply rape on film. Filming and distributing such atrocities may even make the behavior depicted morally worse. We can't think of a harsh enough punishment for this kind of behavior, which is more properly attributed to monsters than human beings.

Wondering whether pornography is simply freedom of expression

When looking at the issue of pornography from an ethical standpoint, you can easily see that it's not a clear-cut argument. That's because so many people look at the issue differently. Some people think pornography is morally unacceptable. Others think that opponents of pornography are just too sexually uptight. According to these folks, if two people willingly take their clothes off or have sex in front of a camera and post the pictures to the Internet, who should have the right to stop them? Many defenders of pornography argue that models use their bodies in pictures and videos all the time without causing a moral uproar in society. Why should the ethics of taking off a couple more articles of clothing matter? Aren't pornographic pictures and videos just modeling gone one step further?

So the question is: Does banning pornography infringe on someone's freedom of expression? After all, it doesn't seem wrong to have a camera in the room when one is undressing or having sex. It also doesn't seem wrong to have that camera turned on and recording. It would probably be wrong (and freaky levels of weird) to force people to watch your sex tape, but consumers of pornography aren't being forced into anything. So why would it be unethical to distribute pornographic content made by people who want to make it to people who want to see it?



Where do you think the line of free expression should be drawn? Society, including the government, has a long history of restricting people's freedoms of expression because those expressions make other people uncomfortable. Pornography makes some people uncomfortable about sex. So what? Living in a free society means that sometimes you're uncomfortable. In fact, some feminists even jump on the pro-pornography bandwagon, citing the past dangers to feminist causes from censorship and the restrictions a pornography ban would put on women's rights to do what they want with their bodies. You have to ask yourself: Should the government be trusted to regulate freedom of expression about sex? As long as everyone is willingly participating, it's difficult to see why the government should get involved.



In fact, some people believe that pornography may have a beneficial effect on society for two reasons:

- ✓ Some argue that pornography helps society by expanding its sexual horizons. People find out about things that they may want to do in the bedroom that they hadn't considered before.
- ✓ Some argue that pornography allows people overwhelmed by sexual desire to dissolve their passions in a harmless way. Without pornography, perhaps these people would be more likely to commit sexual assault or battery.

Understanding the anti-pornography perspective

Despite worries about censorship, some argue that permitting the sale, distribution, and production of pornography is ethically wrong. (Some problems exist when it comes to distinguishing pornography from other kinds of graphic sexuality, like erotica. One judge famously said hardcore pornography was difficult to define, “but I know it when I see it!” We skip over this issue of categorizing pornography here.)

The argument that anti-pornography advocates give is that pornography has the following affects:

✔ **It causes harm to society.** Think about the massive amount of pornography on the Internet today. Is it really in the best interests of society that this material is just floating around, waiting for anyone to see? Maybe not, if you consider the support groups for pornography addiction that have sprung up around the world. After all, in these groups, people tell stories of families broken apart by a husband’s or wife’s compulsive need to watch pornography or explore urges that he or she didn’t have before becoming addicted. Similarly, young people who encounter hardcore pornography may come to think of what’s depicted in it as the norm, leading to strained or dangerous relationships with their partners. At the very least, risks that society hasn’t fully grasped do exist.

✔ **It causes harm to women.** Some people believe that harm that doesn’t have a definite victim can’t actually be harm, making harm to society a moot point. To respond to these people, anti-pornography advocates cite demonstrable harm to women from the prevalence of hardcore pornographic material. Men who see painful or abusive sexual acts in pornography intuitively seem more likely to evolve a preference for those kinds of activities with their partners. While responsible adults may seek their partner’s consent before emulating what they see in pornography, this may not always be the case.

Some anti-pornography advocates also worry that hardcore pornographic material may awaken urges in some people that they can’t so easily suppress. These people may be tempted to aggressively seek what they see in pornography from less-than-willing women. While certainly not all men will experience this lack of willpower, it’s not difficult to see how limiting the supply of “fake-rape porn” would decrease the chance of harm to women.

✔ **It silences women and promotes unjust stereotypes.** Some feminists argue that while the harms of pornography to women may not be immediately obvious, some forms of pornography may reinforce negative stereotypes of women as mere objects of sexual desire without rights and dignity of their own in the eyes of men. Hardcore pornography doesn’t usually depict sex as an equal opportunity activity for men and women. Often the focus is on the man using the woman in all sorts of degrading ways.

For young people developing their views of sexuality or for adults exposed to a constant stream of hardcore pornography, it may be difficult not to internalize these depictions of women. And if these men do internalize these views of women, they may end up treating women as mere objects of desire as opposed to free and equal members of the human race. You have to ask yourself whether you would really want your own daughter to be viewed the way men view women in hardcore pornography and what kind of effect on her life this treatment would have.



In the end, the debate about the ethics and legality of pornography comes down to whether the risks of harm and marginalization of women and society outweigh the risks of taking away someone's freedom of expression. It's difficult to decide on a course of action with such strong arguments on each side. But at least now you know the rough contours of the debate.

Paying for It: Is Prostitution Ethical?

For some people sex is more than just fun, personal, and stimulating. For them sex is business. Good business. The world definitely doesn't have a shortage of the world's oldest profession: prostitution. Despite its presence in nearly every culture, the main question is this: Is prostitution ethical? Should one of the most personal acts people engage in be put up for sale?

No one really grows up wanting to be a prostitute. It's a job that people tend to fall into when they want to make extra money or when they desperately need money to support their basic needs (or addictions). Put this together with the inherent riskiness of sexual activity (refer to the earlier section "Focusing on Sexual Ethics: The High Stakes of Intercourse" for more on the risks), and prostitution looks a little more ethically dubious than, say, making quilts for a living.



Not everything human beings do has to express the inherent dignity of humanity, but it's better if everyone spends time on pursuits that don't challenge their dignity too frequently. The problem with prostitution is that it threatens to do just that. Even if prostitutes are perfectly capable of maintaining their own self-worth while performing sexual favors for money, it's likely that their clients don't see it that way. Prostitutes are a means to a client's sexual ends, but it can be awfully difficult for a client to demonstrate the respect for a prostitute that may be due. If people don't always treat retail workers with respect, how much worse will they treat people who offer to rent out their body?

Because humans are social beings, it becomes far too easy to internalize a lack of respect of others. This lack of respect diminishes one's own sense of dignity and can lead to riskier behavior in other parts of life. Hollywood may love to sell the image of a noble call-girl comfortable on the street corner and in a ball gown, but the difficulties of navigating those two different worlds are much more severe than it looks in the movies.



Just because prostitution may not be the best ethical choice in the world doesn't mean that prostitutes are automatically bad people. Good people can certainly make bad life choices. But bad choices are fundamentally corrosive to one's integrity (see Chapter 1 on living a life of integrity), so you don't want to be messing around with them just for the fun of it.

Examining the legality of prostitution

Although prostitution may not be a virtuous or dignified profession from an ethical standpoint, it's an entirely different question whether it is ethically acceptable for society to have laws against it. Should someone really be able to sell his or her body for money? Parties camp on both sides of this debate, and they both have interesting arguments.

The argument against legalization goes like this: Prostitution is illegal almost everywhere in the United States except Nevada. The goal of most of these laws is to discourage prostitution. The simple truth is that if something is illegal, it's more difficult to get or to do. Its illegality makes prostitution rarer than it may otherwise be, and with the dangers to prostitutes (see the section "Paying for It: Is Prostitution Ethical?"), many people agree its limitation is a good thing. Making prostitution illegal doesn't make it go away, but it does add that extra layer of disapproval that keeps some people from selling their bodies and other people from trying to buy sexual favors. This scarcity isn't just about encouraging virtue and discouraging sex. Ideally it also helps prevent sexually transmitted diseases and unwanted pregnancies from unprotected sex.

Immanuel Kant says, "In the kingdom of ends everything has either a price or a dignity. What has a price can be replaced by something else as its equivalent; what on the other hand is above all price and therefore admits of no equivalent has a dignity." Applied to prostitution, this forms the argument that sex is something that one may not want to have legally

available in the marketplace. After all, society just doesn't allow people to sell some things. These include human beings (adults and children), certain drugs and plants, and human organs. Prohibiting the sale of these things guards people's inherent dignity, and the same could be said of prostitution. If society treats prostitutes' bodies as something with a price rather than a dignity, sex itself may become divorced from the intimate and powerful place it has in many people's hearts. (Refer to Chapter 8 for more on Kant.)

On the flip side, proponents of the legalization of prostitution argue that current laws against prostitution not only violate people's rights, but make everything worse for prostitutes. Prostitution may not be the world's most desirable career, but its conditions are a lot better when it's out in the open. Proponents of legalizing prostitution rely on the following two arguments:

- ✔ **People have a right to do what they want with their bodies.** High-priced prostitutes can make a lot of money doing something some people enjoy. For poorer women, prostitution can be the difference between poverty and extreme poverty. If people want to work in coal mines where they breathe in harmful amounts of dust and risk being caught in cave-ins, they're allowed to. What makes sex work so much different? Isn't this all just one big double standard? Just like with other dangerous jobs, prostitution carries risks. But those who desire legal prostitution for adults point out

that prostitutes are capable of understanding and consenting to those risks.

- ✓ **When prostitution is legal, it can be regulated, which would make the lives of prostitutes better.** In the Netherlands, where prostitution is legal and sex workers have unionized, the government makes sure that prostitutes get regular screenings for sexually transmitted diseases. As a result, the job is seen as much safer. If prostitution is illegal and someone fails to pay a prostitute for his or her services, the prostitute

can't just call up the police and get the buyer arrested. When prostitution is legal, not paying is considered illegal theft of services — like not paying a chef for the food he or she prepared for you.

Of course, making prostitution legal doesn't make it free of risk. Prostitutes work in unusually close quarters with their clients, and those clients aren't always the most savory characters in the world. But if the risks can be minimized, maybe one should let consenting adults do what consenting adults want to do.

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14. Sexual Ethics

ALAN H. GOLDMAN

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Sex, Reproduction, and Love

It is probably still safe to say that when the majority of Americans, for example, think of the category of morality, they think first of sex. That is, they think that sexual desires and activities in themselves generate moral prohibitions because of their sexual nature. Certain sexual activities are taken to be among the paradigms of moral wrongness. This belief is one legacy of the Judeo-Christian moral tradition, although its roots go back further to Plato's ethics. Its clearest contemporary articulation is perhaps the Vatican's "Declaration on Sexual Ethics" of 1975.

In this document the Catholic Church laments a general corruption of morals indicated most clearly by the "exaltation of sex." Sex outside the context of procreation and the loving commitment of marriage is itself held to be morally wrong because it is in conflict with God's natural law. Human dignity requires obedience to that law, which constitutes human nature as well. Sexual morality is therefore based on the natural function of sexuality: reproduction in the context of long-term commitment for raising children. "Every genital act must be within the framework of marriage" (The [Vatican, 1975](#): 306). Sex is here reduced to genital acts and restricted to the purpose of reproduction in loving relationships. The reduction avoids having to condemn such acts as romantic kissing or holding hands, but the restriction prohibits not only extramarital sex and homosexuality, but sex with condoms and masturbation as well. The latter is explicitly held to be immoral (The [Vatican, 1975](#): 308) despite the fact that it harms no one and does not even affect other persons or their interests.

Let us examine critically the links between reproduction and sex, and love and sex, and their alleged moral implications. First, it must be granted that, though the reproductive function may be the biological origin of the sex drive, psychologically the two are quite distinct. Most people engaging in sex view the prospect of reproduction as a threat, not a goal, and most sexual desires are based on physical beauty, not reproductive fitness. Prior to the advent of reliable contraception, the interests of children may have been good reason to link sex to reproduction, but what remains of that reason is only the demand to be suitably cautious when engaging in sex.

Second, no one demands that our other physical organs be used only for their principal biological functions. Mouths may be principally for eating, but no one condemns their use for speaking, breathing, expressing, or even kissing. The main biological function of hands may be for grasping food or tree branches, but we blamelessly use them for writing, gesturing, scratching, massaging, and playing tennis. Sports in general involve the use of the body for pleasure, and we all eat for pleasure as well as nourishment. If as individuals we have no moral obligation to bear children, then why should we be obligated to use our sexual organs only for that purpose? Why should we condemn the body's use in sex for pleasure or limit the sexual organs to one function?

The explanation for the Christian sexual ethic probably lies not only in its origin prior to artificial contraception, but in its more distant origin in Plato and in the particular way Christianity adapted the ambivalent Platonic attitude toward sex. This tradition emphasized the idea that giving in to our "lower selves," our animal natures, is addictive, a threat to reason, and, collectively, to civilization itself. The idea has taken deep root in

Western culture, so much so that even those who marked or championed the end of Victorianism in the early to mid-twentieth century could not free themselves entirely from its grasp. Freud saw sexual control and repression, the redirection of sexual energy, as central to the development of civilization even if dangerous to the individual psyche, while Marcuse held that capitalism's desexualization of the body was necessary to make it available for labor. Even the major critics of sexual repression, then, seemed to agree that unbridled sexual desire dominates life to the detriment of other activities. But no one has ever shown with evidence or argument that a rejection of the strongly restrictive sexual ethic that links its permissibility to reproduction results in addiction to sex. We can eat for pleasure without becoming gluttons, and even enjoy making money without becoming miserly hoarders. The claim that sex is different plausibly rests only on a deep suspicion of the identification with our bodies that sexual desire and activity entails.

The claim that moral sex must be linked to love is somewhat more complex as well as more popular. Here adequate criticism requires, first, a distinction between what is ideal, what is permissible, and what is to be prevented. Second, we must make some attempt to analyze both sexual desire and love, in order to see whether sex in itself suggests special moral restrictions and whether it is naturally or best linked to loving relationships.

Let us begin with love. Loving someone is first of all other-regarding: it involves an identification with the loved one's interests and an intended long-term commitment to further those interests. It is secondarily self-regarding: a desire for constant companionship with the person, and therefore a pleasant emotion in their presence and a longing in their absence. It tends to be relatively exclusive; while we may love several people at once, including all our children, the demand or claim to love many is unrealistic or implausible. It is commonly thought that there is a special kind of love, romantic love, which essentially includes erotic desire. It is a special kind only because other loving relationships, for example, our love for our children, do not involve such desire. But we may think of this emotion simply as love as defined above, plus the separable sexual desire. Sexual activity, like other activities, can certainly express love as well as other emotions, but we can have sexual desires for and relations with those we do not love and love those for whom we have no sexual desire.

Sexual desire itself, even when expressive of or linked to love, seems clearly distinct. First, although it is desire for another person's body, unlike love it is primarily self-regarding, desire for the pleasure that physical contact with the other's body produces. Second, while sexual desire is typically personal in aiming at a particular other person, it is not exclusive in the same way as love: we can have genuine if fleeting sexual desires for many others. Third, it is not as long term in intent. The value of sex in itself lies in its intense physical pleasure, a value that is at best repetitive, not cumulative, as is the value of a long-term loving relationship.

It might be objected that the claim that love and sexual desire are distinct and separable reflects a male bias. Popular literature suggests that for many women satisfactory sex must include emotional commitment, while the same is not true for men. One author claims that emotional attachment is a stimulus for sexual desire in women, while the

converse is true for men ([Rubin, 1983](#): 101). Sociobiology even suggests an explanation for such gender differences. Men increase their share of the gene pool by having many sexual partners, while women do so by keeping a man for support through pregnancy and child-rearing. This explanation is highly speculative, however. And even if this generalization about different attitudes toward sex is true as a generalization, it leaves much room for differences in desires and preferences both within and across genders. The point remains that sexual desire is analytically distinct from love. At its most basic, it remains desire for physical contact with another's body and for the pleasure that such contact affords. If sex is distinct from love, we can still ask first, whether it is true that sex is *best* linked with love, and, second, whether there are any moral implications to the answer to this first question.

Arguments on both sides of the first question can be provided. Although sexual desire is distinct from loving commitment, certain of its features might suggest a natural link. First, sex is naturally a private matter. It involves exposure, vulnerability, and intimacy, so that others, third parties, are naturally excluded. No third party normally has a right to observe one's sexual behavior, and such observation would typically disturb sexual activity. What is private excludes others; so do loving relationships. In both cases one is focused exclusively on the object of one's desire or emotion, and this common feature suggests a natural connection. Second, love might be said to be a union of hearts and minds, and a union of bodies might then be thought to complete the ideal relationship. Love plus sexual desire is on this view an affirmation of the whole person, something we might all seek. We derive pleasure not only from the physical aspects of sex, but also from expressions of affection from our partners.

On the other side, it can be argued that the insistence that sex be united with love is inconsistent, since it is typically motivated by the idea that sex in itself, when not a means of expressing love, must be animalistic, egotistical, mechanical, or exploitative. But if sex in itself is base in these ways, how can it be a suitable means of expressing love? Indeed, how can vigorous sexual intercourse be the best way to express tenderness and affection ([Vannoy, 1980](#): 12, 26)? Viewing sex as merely a means to anything else, even the expression of love, might detract from the intense physical pleasure that is its chief value for many people. If in sexual acts one must be constantly monitoring that one's communication of affection is succeeding, this will certainly lessen physical spontaneity and pleasure. Finally, restricting sex to the one partner to whom one is emotionally committed for the long term deprives one of variety and novelty, which can add to the pleasures of sex.

I shall not attempt to settle this dispute here, since I do not believe there is a single correct answer. Whether sex is more enjoyable or rewarding in the context of a loving relationship is a matter of varying individual psychology and varying particular relations between different individuals. Many marriages that fail early do so because of a confusion between sexual desire and love, when the intensity of the former fades somewhat, and when the idealization of romantic passion succumbs to reality. For many other luckier couples, sex remains an integral part of a deeper relationship. It is more important here to emphasize that we are speaking now of what is better or ideal, not of

what is morally permissible. Even if sex, like other activities, takes on heightened meaning and importance when expressive of love, this does not imply that second-best sex without love is morally impermissible. Strip steak is better than hamburger for most people, but strip steak is not always available or preferred, and eating hamburger is not prohibited. Meals that are also celebrations are more meaningful and better for being so, but we are not morally required to make all meals celebrations.

We cannot infer from less than best to wrong or impermissible, nor from wrong to a right to interfere. Thus, even for those for whom sex is better in a loving context, there must be some additional reason to infer that sex is wrong without love. We are returned to the ancient but unsupported suspicion that our animal or physical nature is itself morally suspect. But just as sex for pleasure alone need not be addictive, so it need not be inconsiderate or manipulative. We seek our own benefit primarily in economic transactions without mistreating merchants who enter into these transactions voluntarily. Similarly, we can seek our own pleasure primarily in sex without mistreating partners whose participation is voluntary. Physical pleasure is something generally good, not bad, in itself, although once more not the kind of value that builds upon itself so as properly to constitute a major goal for a rational life plan.

Thus, arguments about whether sex ought to be connected with love are in essence prudential, not moral, and the soundness of such prudential arguments is relative to those individuals, with their varying desires, to whom they are directed.

Privacy, Consent, and Homosexuality

If sexual desire in itself lacks moral import, then those considerations that make sexual acts wrong or right must apply to non-sexual acts as well. The privacy of the sexual domain, emphasized above, suggests that consensual acts within it are not to be interfered with. A right to consensual sex in private can also be seen as part of a general right to do as one pleases, as long as one does not harm others, does not intrude extremely offensively into their space, and contributes a fair share to the general welfare. There are two important caveats here. First, the right is, as indicated, a right against outside interference. It does not imply that consensual sex is always right or morally permissible. One may have a right to do what may sometimes be wrong, and persons may be wrongly harmed by actions to which they consent. Persons may consent to sex not otherwise desired in exchange for other things they want, and while, on general anti-paternalistic grounds, third parties may not have the right to interfere, those desiring sex may be wrong to solicit and act on such consent. Second, and more important, consent must be informed and truly voluntary in order to be genuine, and several key moral issues in the domain of sex involve the question of when apparent consent is truly voluntary, that is, not based on coercion or exploitation. Once more, however, a general aversion to paternalistic interference would require a strong burden of proof of coercion or unjust harm before consent could be concluded to be involuntary.

We may now apply some of the general conclusions arrived at above to some specific sexual practices and moral issues in regard to them. When we do so, we find that certain

practices are condemned only because of the restrictive sexual ethic rejected above, that others raise the issue of genuine consent, and that still others admit of no general answers. I will take as sample issues illustrating these types: homosexuality, harassment and rape, prostitution, and adultery.

Most Americans continue to believe that homosexual behavior is immoral. When pressed for a reason, a variety of answers might be given: (1) homosexuality is unnatural; (2) it is perverted; (3) it is a threat to the monogamous, heterosexual family; (4) homosexuals are promiscuous, and curbing their activity is part of restraining unbridled promiscuity; (5) homosexual behavior spreads AIDS; (6) if universalized, homosexuality would spell the end of the human race. These reasons dissolve under critical scrutiny.

- (1) Homosexuality is not unnatural in any ordinary sense. It is widespread in the animal kingdom and involves sexual acts that are widespread among heterosexuals as well. It may be more natural in not repressing these acts, as some heterosexuals do. The only sense in which it is unnatural is in its not fulfilling the “natural” function of reproduction. The claim that morally permissible sex must fulfill this function was criticized and rejected above. We may add here that almost all of human welfare depends on altering the course of nature: building shelter, cooking food, all of modern technology, medicine, and so on. Certainly not all that is unnatural in this sense of departing from nature can be immoral. Thus, even if homosexuality were unnatural in this ordinary sense, this would lack moral implication.
- (2) Although most people equate sexual perversion with moral depravity, our intuitions regarding specific perversions and degrees of moral wrongness do not align. Most think that drinking urine, for example, is perverted, but they would be very hard pressed to give a reason (other than repeating the charge of perversion) why it is morally wrong ([Ruse, 1984](#): 385). What we can coherently rescue from the concept of perversion is that perverted acts must be both anomalous or unusual and disgusting. What is disgusting is relative to people's tastes. Homosexuality is unusual, but not very unusual, being preferred by roughly 5 percent of the population. Some find it disgusting. But once more this lacks moral implication. Offense is never sufficient to curtail private behavior, and even public homosexual displays, if of the type that are allowed to heterosexuals, should not be prohibited on grounds of offense. To do so is to discriminate against people for an inborn trait that is part of their identity.
- (3) Homosexuality cannot be a threat to the institution of heterosexual marriage if homosexuals constitute such a small percentage of the population. They are no more threat than are celibate clergy or heterosexual bachelors. If the claim is that homosexuals would constitute a much larger percentage of the population if not discouraged, then this claim certainly cannot be combined with the idea that homosexuality is unnatural, perverted, or even unusual. Attempting to pressure homosexuals into marriage with the opposite sex is itself more likely to result in many more failed marriages, hence itself more a threat to the institution. On the other hand, homosexuals themselves can make up families if allowed to marry and adopt children.

- (4) Homosexuals statistically may be more promiscuous than heterosexuals, but this lifestyle may be plausibly attributed to lack of institutional support for, as well as social pressures against, open, long-term relationships. Without such pressures, there is little reason to think that homosexuals would be less successful at maintaining long-term loving relationships (heterosexuals are not all that successful as a group either). Thus, if sexual activity must be socially restrained- and once more this requirement may be only a corollary of the Platonic antipathy toward our animal natures- there is no reason to focus this restraint on the homosexual community.
- (5) Promiscuous behavior might well contribute to the spread of the AIDS virus, but homosexuality does not cause AIDS, which is spread by heterosexual activity as well. In recent years the disease is not spreading more rapidly worldwide among homosexuals than among heterosexuals. The threat of AIDS requires precautionary measures for all sexually active individuals whose partners' histories are not known, as well as warnings to potential partners by those infected by the virus. In this respect, homosexuals are no different from others.
- (6) If universalized, homosexuality would spell the end of the human race. Kant's test of universalizability was not intended to rule out actions on the grounds that the consequences of all acting in the same way would be bad. The universalization of an immoral maxim or principle of action had to result in a contradiction or conflict in the will. But Kant himself would have found a conflict in any practice whose universalization would destroy humanity or rational nature, and he in fact disapproved of homosexuality ([Kant, 1963](#): 164). Nevertheless, such disapproval does not result from the proper application of his general criterion. On the same grounds, celibacy would have to be impermissible if homosexuality were. The key to the proper application of the criterion of universalizability is the proper specification of the maxims or subjective principles that underlie the actions being considered. All and only those reasons relevant to the actions must be included in the maxims. If all the people in the world were to attempt to go to my local supermarket when I plan to go this afternoon, the result would probably also mark the end of the human race. But the relevant maxim to be universalized includes mention of the desire to go there then. Similarly, the Kantian test requires universalization of homosexual behavior among those with homosexual desires or preferences, and the outcome of that test would be neither contradictory nor dire. Critics of homosexuality, including Kant, also see homosexuals as violating the second formulation of his criterion, of using each other as means only, but, without restricting permissible sex to procreation, there is no reason to think that homosexual partners must do so any more often than heterosexuals.

We have not, then, found any sound reason to condemn homosexual behavior as in itself immoral. Instead, the general thesis is confirmed that the particular sexual nature of any behavior is morally neutral in itself: sexual acts that are wrong are so because of features that condemn certain non-sexual acts as well.

Rape and Harassment

One might think that sex with minors is a counter-example to the last claim, an activity that is wrong simply because of its sexual nature. But this is not so. The nature of the acts themselves is not what makes them wrong, for they are the same acts that are performed with adults. What makes sex with minors wrong is the lack or impossibility of genuine informed consent, the fact that such acts are therefore coercive, manipulative, and harmful to the psychological well-being and future mental health of the victims.

Similar remarks apply to rape, which is why sex with minors is properly considered a form of rape. It is not the form of the sexual act that makes rape such a serious wrong, but the fact that rape is physical assault, invasion of privacy, humiliation, and the use of a person without her consent. Rape is worse than mere physical assault in the same way that armed house invasion and robbery is worse than mere loss of property. It is an invasion of the private space, and the invasion of the body is the worst form of such violation of privacy. Beside these serious wrongs and harms, longer-term damage might result from the self-identification of women in primarily sexual terms, and, although rape is almost exclusively a male crime, feminists who think of all relations in sexual or gender terms and who see all heterosexual intercourse as rape are of little help here.

There is nothing morally controversial about clear cases of rape, but controversy does arise with regard to when consent is given to sexual acts and when consent is fully voluntary and genuine; that is, with regard to borderline cases of “date rape” and sexual harassment. Some current university guidelines for students require that explicit verbal consent be solicited and given for each stage of increasing sexual activity—from holding hands, to kissing, to petting, and so on. This seems excessive if sex is to be at all spontaneous and pleasurable instead of an academic exercise, but it remains a difficult question how to specify consent and refusal. Clearly “no” must mean “no” at any stage of sexual activity, but it is not as clear that silence or lack of resistance always constitutes tacit consent, or that tacit consent can always substitute for explicit consent. Even explicit consent when faculties are impaired by alcohol or drugs may well not be genuine, but does this mean that sex after drinking is never permissible? Much depends on prior history and fuller context.

Similar problems arise regarding the newer category of sexual harassment. Harassment is defined not as sex without consent, but primarily as certain unwelcome sexual advances or overtures. Of course, not all unwelcome or rejected offers can count as harassment, as morally wrong, or there would be very little sexual or romantic activity in the world among morally minded people. One possible place to draw the line is to say that advances that constitute harassment must be continuous or continue after their rejection has been made clear. But in certain contexts this is not necessary for harassment to occur. The relevant contexts are those involving unequal power relations, such as those between teacher and student or doctor and patient. Here any sexual overture can be considered coercive, and so it is proper to prohibit all such conduct. In contexts of equal power, by contrast, it seems that individuals can be left on their own to make their desires and intentions, or lack of them, clear. Harassment is also said to occur in working environments when there is sexually explicit or implicit discussions, jokes, or displays. Here once more we must attempt to draw a line that will prevent unduly hostile

environments without stifling free and spontaneous expression. In the entire general area of free expression versus offense such lines are hard to come by and defend.

I have claimed that in contexts of equal power, or when power relations are absent, explicit consent and rejection or refusal should be taken at face value. Some feminists argue that in the present social context such relations are rarely if ever equal or absent. Consent by women to sex is therefore on this view rarely if ever uncoerced or non-exploitative. Heterosexual sex in Western society is seen as a typical expression of male domination and to be avoided. The conclusion of this argument is again a restrictive sexual ethic, not now from the supposed links between sex, love, and reproduction, but from the supposed link with economics and politics. Just as there need be no such links of the former type, however, sex need not be linked with economics or politics, even in capitalist societies that have been white male dominated. Sex no more than other non-political and non-economic activities need be viewed as an expression of economics and politics, whatever the nature of the latter in particular societies. This is not to say that some individuals do not use sex for political or economic purposes, while others are forced to do so in socially and economically oppressive conditions. Whether the former is always morally impermissible is our next topic.

Prostitution and Adultery

Before leaving the topic of genuine consent, we can consider one last issue in which the questions of truly voluntary consent and what it permits figure prominently, the issue of prostitution. Grounds for morally condemning prostitution independent of the issue of consent were dismissed above. Sex with prostitutes is certainly sex without love or reproduction and for mere pleasure, but that is irrelevant to its morality. Prostitution can also be harmful to prostitutes themselves: they endure not just indignity and social ostracism, but danger of physical harm, risk of disease, exploitation not only by customers, but by pimps and landlords, and damage to their non-commercial sexual relations. This is a more serious charge against prostitution. but two replies have been suggested in our previous discussion. First, as in the case of homosexuality, much of the danger, risk of disease, and exploitation results from social stigmatizing and criminalization. Thus, these harms argue more for legislation, regulation, and change of attitudes than for the conclusion that prostitution is wrong in itself ([Ericsson, 1980](#): 361–2). As for damage to outside sexual relations, for gynecologists too certain kinds of stimulation must grow stale, but no one condemns their profession on that ground. Second, I have assumed a generally anti-paternalistic stance that holds suspect any interference, if not condemnation, of most voluntary, even if harmful, activity that does not harm others. Hence we are returned to the questions whether prostitution can be truly voluntary or consensual, and whether, if so, it might nevertheless constitute one of the few exceptions to the permissibility of mutually consensual behavior.

There are certain things that one is not permitted to sell in Western society: for example, places in line, high numbers in draft lotteries, or votes. Consent to economic transactions in these cases does not render the transactions permissible. But in these cases this is because the transactions would be unfair to others or would defeat the purpose of an

allocation system. One also cannot sell drugs, weapons, or liquor to minors, but in these cases this is because the sales would be harmful to the buyers who are incapable of informed and voluntary consent. Prostitution does not appear to be unfair to third parties or harmful to buyers in these ways. There is yet a third type of case, however, that may seem more analogous: the impermissibility of a contract to sell oneself into slavery. The invalidity of such a contract may derive from the irrationality of consenting to lose any further power of consent or refusal, and once more prostitution is not analogous in this respect. But in selling her body a prostitute may be said to sell herself, and selling herself may be said to be analogous to selling oneself into slavery.

The question here, however, is whether a prostitute does sell her body and hence herself. This may be a common way of speaking, but its literal truth, and thus its moral import, can be questioned. Its plausibility derives from the fact that in sex one identifies with one's body. The body in turn may be constitutive of the self at its most basic level, the primary criterion of personal identity. If the prostitute sells her body, then she becomes a commodity herself, and persons should not be commodities. But despite this rather abstract argument, it is more plausible to see the prostitute as selling a service, not herself ([Ericsson, 1980](#): 341). If she literally sold herself, she would become the property of the customer, to do with or dispose of as he pleased. But such is not the case. Specific sexual services or acts are sold. This is not particularly analogous to a contract for slavery.

It can still be claimed on the other side that prostitution is a paradigm, hence a symbol, of the oppression and dehumanization of women, that the prostitute is used as an object, a mere means to the pleasure of the John, and that sex is a private, intimate matter not fit for strangers to engage in on a commercial basis. But to treat another as a sexual object is dehumanizing only if sex in itself is base and objectionable. To treat another as a means *with* their consent is perfectly permissible—we do so in every economic transaction and in all sexual relations as well. We hire nurses and companions to take care of private and intimate hygiene matters for the elderly and incapacitated, and no one objects to such services on a commercial basis on that score. Finally, if prostitution consisted of a man buying a woman, then it would be a paradigm of male oppression and domination. But if, as claimed above, this model is not fitting—and many if not most customers of prostitutes are shy, inexperienced, and weak, not dominating types—then prostitution in itself is domination and subjection only if all economic and sexual relations are.

I wish to conclude only that prostitution *need* not be morally objectionable *if* based on genuine consent or contract between equal parties, and that it is possible for commercial sex to be based on such a contract. Nor need it be a matter of male customers and female prostitutes, as we have been assuming. But none of this is to deny the morally objectionable aspects of prostitution in Western society. Most prostitutes are from socially and economically oppressed classes, and are further exploited, degraded, and harmed in their careers. So it is not unrealistic to view prostitution in this context as a symptom if not a symbol of oppression. The issue here was raised as an example of one that depends on the possibility of fully voluntary and genuine consent. That possibility varies with context.

Yet other moral questions about particular sexual activities admit of more variability in their answers. The moral status of adultery, for example, cannot be decided solely by the consent of the parties directly involved, since the interests of the other spouses, and indirectly those of any children in the marriages, can be affected as well. The first source of variability here is that there are different sorts of understandings between married couples with regard to sexual exclusivity. Those who hold that adultery is always wrong may deny this. They see marriage as involving by definition a commitment to sexual exclusivity ([Wreen, 1986](#): 45). Adultery then becomes a contradiction in the will, a commitment to both marriage and a violation of the marriage vows, hence wrong according to the Kantian criterion. Even without appeal to this criterion, if there is an explicit or implicitly accepted understanding of sexual exclusivity, then adultery will involve the breaking of a promise, secrecy, and deception, or a conflict in or dissolution of the marriage.

But even granting this understanding of marriage and these consequences of adultery, there is room for different overall judgments of its morality, depending on the specific circumstances. Whether secrecy and deception are wrong if they will prevent conflict or save a marriage, for example, cannot be answered uniformly. They are *prima facie* wrong if spouses have *prima facie* rights to information regarding their partners' activities. But whether they have rights to such information, or whether the claim to such rights is based only on the objectionable emotions of possessiveness and jealousy, is open to debate. One presumably has a right to keep certain information involving one's sexual life from one's spouse, that regarding fantasies during sex, for example, but sexual activities with other partners may not fall into this class if there is a mutual understanding of sexual exclusivity that has not lapsed for both parties. And whether deception is wrong once adultery has occurred is a separate question from whether it should occur in the first place, if deception will be necessary afterwards. But again, the answer to the latter question can depend on variable circumstances. How satisfactory are the sexual relations within the marriage, for example? There may be good reasons for preserving a marriage despite far less than ideal sex within it, and these reasons might or might not justify affairs outside the marriage.

In the previous paragraph we assumed for the sake of argument an understanding of sexual exclusivity as a necessary part of marriage. But this assumption is false. Certainly there are reasons for being married aside from sex, let alone exclusive sex, for example the creation or maintenance of a lasting family whose lives are shared. Even if sexual exclusivity were part of the legal definition of marriage, this would not bind couples morally. And in fact adultery does not legally annul a marriage, so in that sense sexual exclusivity is not part of the legal definition. Whether it is better to commit to sexual exclusivity once more depends on the individuals involved. It depends on the degree to which love tends toward exclusivity for them, and the degree to which sex is connected with love. We have noted that these connections are variable.

On the one hand, the desire for exclusivity in love or sex might be seen as an unwelcome corollary of possessiveness and jealousy. Non-exclusivity can be held to open one to more rewarding loving or sexual relationships. If spouses allow their partners other

sources of intellectual and emotional enrichment, other close friends, why not other lovers? On the other hand, it might be held that depth of relationships involving romantic love or sex is inversely proportional to breadth, and that outside love affairs always tend to threaten marriages because jealousy or the desire for exclusivity is a natural concomitant of deep love. Outside affairs themselves, however, can range from loving commitments to casual, recreational sex, and the latter may be less threatening to most marriages.

There are, then, different ideals of marriage with different implications for proper sexual behavior within it, ranging from exclusive commitment with regard to both romantic love and sex to the acceptance of non-exclusivity with regard to both, the renouncing of jealousy and possessiveness. It must be emphasized not only that these models may be suitable for different individuals and couples with different temperaments, but that the arguments for and against them are primarily prudential. As we found to be the case with other sexual activities as well, adultery is morally wrong not in itself, but when it violates norms that govern non-sexual acts also, for example when it unjustifiably deceives or harms a spouse or destroys a family to the detriment of its children by careless, impulsive, or short-sighted behavior. In most sexual activities one need be sensitive only to the needs, wants, and pleasures of one's partner. Extramarital affairs differ in their potential effects on other parties, and so the moral considerations can be more complex and yet more variable.

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