

Sexual Ethics



What do we mean by 'Sex'?

As ethicists, we are not interested in detailed descriptions of sex acts. However, it is a good idea to know what we are talking about.

'Sex' often refers to intercourse, and for many people (such as a Christian teenager committed to remaining a virgin) this is an important distinction. There are people who have engaged in a variety of sex acts such as oral sex, possibly with a number of different partners, who would still call themselves a virgin. In fact, some churches have very specific criteria for 'what counts as sex'.

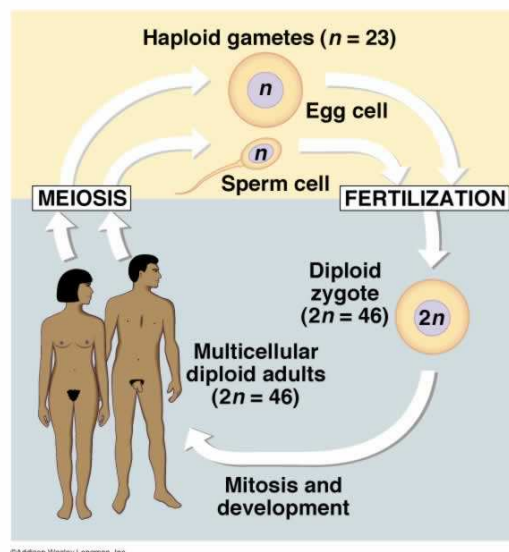
However, generally, distinctions are helpful - you can end up with a definition where a girl who has been raped is no longer a virgin, and a sexually active lesbian is. There are of course good reasons in law to be specific about what constitutes an act of sex (for example to be clear in cases of alleged sexual abuse). When we discuss the ethics of sex, we're not really focussing on definitions. We are interested in the issues that sex and relationships raise.

In the issues section, we will talk about masturbation. Many couples engage in mutual masturbation, but for the purposes of the discussion, 'masturbation' refers to masturbation by oneself.

When we talk about active homosexual relationships, we have not attempted to be specific. We do recognise that there is a difference between a gay couple living together but remaining celibate, and a couple who have an active physical relationship.

Write your own definition of what 'sex' means. Give reasons for your formulation.

Why Do We Need Sexual Ethics?



The entire creative process in nature is engaged in various forms of sexual activity. The drive is to produce offspring, and so continue the generic line. In this sense, sex is the most natural thing in the world.

Almost every activity undertaken by a living organism is to enhance the possibility of the continuation of its own species.

Sexual activity (including the processes of child-rearing and training to produce the next generation) is the creative power behind life on earth.

In humanity, (although it is often carefully disguised) this procreative process has been at the heart of much of human creativity. (Think of music, the arts, poetry, sculpture, romance)

This is good, positive and creative **but** the instinctive urge to procreate is often suppressed because of social conventions, but it remains at the heart of much human culture. Most human societies have constructed rules to try to control these sexual drives. These rules have mainly been aimed at men.

Some of these rules have been to try and limit the spread of sexually transmitted diseases (STD). Some of them have tried to provide a stable environment for the rearing of resulting children. These controls have largely been justified by regard to the consequences of behaviour - a thing becomes right or wrong because of the desirability of the outcome.

Why do we need rules to control our sexual drives? If they are natural, then should we suppress them?

So...



Marriage is good because (i) it provides a stable basis in which to raise a family
(ii) † prevents the possibility of STD through endorsing one sexual partner only.
(iii) It restricts the sexual availability of certain members once married.

Human Sexual Development



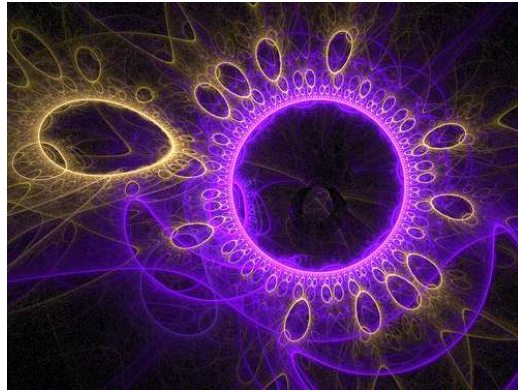
An embryo begins to develop genitalia at six weeks from conception. While still a foetus, hormones are released that dictate sexual development. §From an early age, the sexualisation of a child takes place. Subliminal messages establish gender expectations - despite parent's best efforts, girls still play with dolls, and boys try to smash things up.

§Parents establish expected behaviour patterns. In the main, this is to do with public behaviour, but at a more intimate level, attitudes to sex and sexuality are being reinforced. In particular, attitudes to the naked body and to genitalia are established.

Once a child becomes an adolescent, sexuality becomes a much higher priority. The body undergoes massive changes as it matures sexually. §the child becomes much more sexually aware. Issues of sexual orientation (and more probably of opportunity) become important. In some cultures, ceremonies are organised whereby the individual is 'initiated' into the adult world.

In adulthood sexual activity tends to become directed towards another individual - this may be an attempt to establish a monogamous relationship - 'living together.' Sometimes this is formalised as 'marriage'.

Do you think that we are born with our sexual orientation? Give reasons for your answer.



Sexual Biology

Sex and relationships are the process by which species effect the survival of their kind. It has been argued that there is no ethical dimension to sexuality - it is purely a matter of biology. Sexual ethics codes can be seen as nothing more than biologically conditioned facts.

What is your opinion on this? Give reasons for your answer.

Contraception

Effective, easily accessible and usable contraception has freed women from their drudgery of their fertility, and allowed for a move towards a more equally balanced society.

Many of the reasons for sexual morality and sexual codes (such as STDs and unwanted pregnancies) have become controllable by means other than behavioural. Improved drugs, condoms, easily obtainable abortions.



Some argue that sexuality has become demoralised. However, religion in particular has been anxious to introduce a moral dimension to sexuality.

Should it be so easy to obtain contraception? What would the consequences be if it was harder, and what would they be if it was easier?

Issues Raised by Sex

Civil partnerships



Civil Partnership raises an issue in the fact that it is hard to decide whether or not it is ethically right to allow it.

What do you think are the ethical concerns?

Consent



Consent is a huge issue within sex based ethics. It asks the question of when, and under what conditions you can argue that some one consents to sex or a certain sex based act.

Age is an issue within the sex based ethics, it asks the question of what age can some one freely choose to have sex, this is to do with mental maturity.

Under the influences of drugs or drink as these items can often hinder clear thought and people often agree to do many things that they would not normally agree to so the lack of ability to think clearly can hinder the consent.

Mental disabilities is another issue within consent if a person has a mental disability that hinders there ability to think clearly and make rational decisions.

In order to give consent, do you need certain capabilities? What are they?

Case studies of Sex and Relationships

Same-sex marriages

In December 2005 same sex marriages became legal in Britain giving gay couples the same rights as heterosexual couples in areas such as pensions, property, social security and housing. In many other areas of the world same sex marriages are also legal. For example in Denmark which was the first country to make it legal in 1989. However church weddings are not allowed. Later other European countries followed. In the US it largely varies from state to state. Vermont became the first state to offer same sex marriages in 2000. In addition to this California, Massachusetts and Oregon also offer the partnership. Tony Blair said that the new laws are "correcting an obvious injustice" for gay men and lesbians.



Roger Lockyer and Percy Steven are a gay couple who were one of the first couples in the queue to carry out a civil partnership, after waiting 39 years. They married on the 21st December, the day the law became legal in Britain at Westminster Register Office. Roger and Percy can now be seen as each other's next of kin.

Same sex adoption



Same sex couples are now allowed to adopt children together, which has been seen as the biggest overhaul in the British adoption law in 30 years. Before the new law came into action same sex couples had to decide which partner would adopt the child, and therefore giving the other partner less parental right. The law has also changed for unmarried heterosexual couples and it is thought that opening the law up to unmarried couples will encourage more people to consider adoption.

Sex without consent

The Home Office says that "Giving consent is active not passive and its up to everyone to make sure that their partner agrees to sexual activity". There are many situations in which consent can't be given. For example being under age and mentally ill.

A recent study by the Metropolitan Police showed that more than a third of women who reported being raped have consumed alcohol immediately before the attack. This has led to the law being changed. Juries can now decide whether a woman was too drunk to give consent.



Masturbation

This is a fascinating case study, because it results in completely opposing views. Utilitarians see no problem whatsoever in masturbation. There is no medical evidence that masturbation causes any harm. In fact, there is some evidence that masturbation can relieve stress, and can actually reduce testicular cancer (the idea of 'cleaning the pipes').

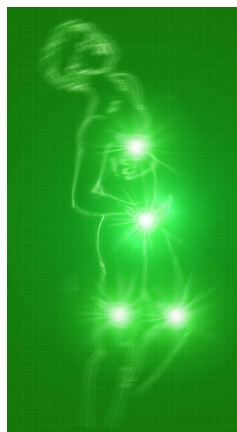
However, Natural Law sees masturbation as intrinsically wrong. Aquinas said masturbation was as bad as rape. The Catholic Church would no longer support this view, but they do see masturbation as "an intrinsically and gravely disordered action" *Catechism 2352*.

Historically, it was believed, as this image shows, that each sperm was like a 'person seed' - the womb was seen as earth. Therefore every wasted sperm was a potential human life lost. When our understanding of reproduction changed, and we found out about the female ovum, the Catholic Church didn't change their teaching.

The Church teaches that sex should be unitive and procreative. Any sexual activity on your own cannot fulfil these purposes. Masturbation is contrary to the Primary Precept of reproduction.

By masturbation is to be understood the deliberate stimulation of the genital organs in order to derive sexual pleasure. "Both the Magisterium of the Church, in the course of a constant tradition, and the moral sense of the faithful have been in no doubt and have firmly maintained that masturbation is an intrinsically and gravely disordered action." "The deliberate use of the sexual faculty, for whatever reason, outside of marriage is essentially contrary to its purpose." For here sexual pleasure is sought outside of "the sexual relationship which is demanded by the moral order and in which the total meaning of mutual self-giving and human procreation in the context of true love is achieved.

To form an equitable judgment about the subjects' moral responsibility and to guide pastoral action, one must take into account the affective immaturity, force of acquired habit, conditions of anxiety, or other psychological or social factors that lessen or even extenuate moral culpability.



Is it immoral to masturbate? Give reasons for your answer.

Ethical responses to Sex

Utilitarianism



The consequentialist nature of utilitarianism and its focus on the pleasure/ pain which arises from an action, leads us to analyse sex in a way of merely considering how pleasurable it is. For example, traditional utilitarianism, Bentham's quantitative outlook, may say it is 'good' for one to masturbate over a picture of a rape victim if it brings about pleasure as the victim will never know therefore she cannot feel any pain.

However, developments in the utilitarian movement have accounted for this flaw in the theory. For example, Hare's focus on preferences in utilitarianism now considers what the victim's preferences would have been, thus forbidding the action which we clearly feel is 'bad' anyway.

When considering the issue of homosexuality the failings of Hare's preference theory become evident. For example, in the deep south of America where conservative, prejudiced opinions are dominant, homosexuality would almost certainly be declared wrong if a cross section of beliefs were considered. However, if an opinion poll was taken in New York then the more liberal population would conclude that same sex marriage is acceptable or 'good'. This is a fault in Hare's theory as we view some people's opinions as simply wrong, for example, should a paedophile's preference be taken into account just as a heterosexual who was attracted to people his/her own age. [Some people would disagree with this analysis. I might feel that my views are more important than those of less-educated people, racist or homophobic people, but the idea of democracy is that everyone has a right to their own opinion. It may in fact be a strength of Hare's theory that it considers all preferences. What results is a relativist theory - homosexuality was unacceptable 50 years ago but is now acceptable.]

On the issue of consent, whether a person consents to sex does not seem relevant to a utilitarian. If one was to be involved in a sexual act without their consent but they got pleasure from this act, then consent was not necessary or 'good'. However, this view is induced from Bentham's theory and by using an act utilitarian stand point. For example, if one asked a utilitarian whether it was good to have sex with someone who has not consented then the overwhelming opinion would be that it was not. This is because utilitarianism has evolved and most utilitarianists are what we call rule utilitarianists as they support the formation of rules which bring about the greatest good for the greatest number.

In general utilitarians consider issues surrounding sex in a way which examines outcomes not moral imperatives. Although differences arise (in act v. rule utilitarianism, quantitative v. qualitative utilitarianism, preference v. traditional utilitarianism) the general principle of utility remains and we do not look at acts but their outcomes.

Kant's Ethical Theory



Kant believed that masturbation was satisfying an animal urge, and in doing so one would be using one's self merely as a means to an end. Similarly, having promiscuous sex would be using one's self and another person merely as a means to an end.

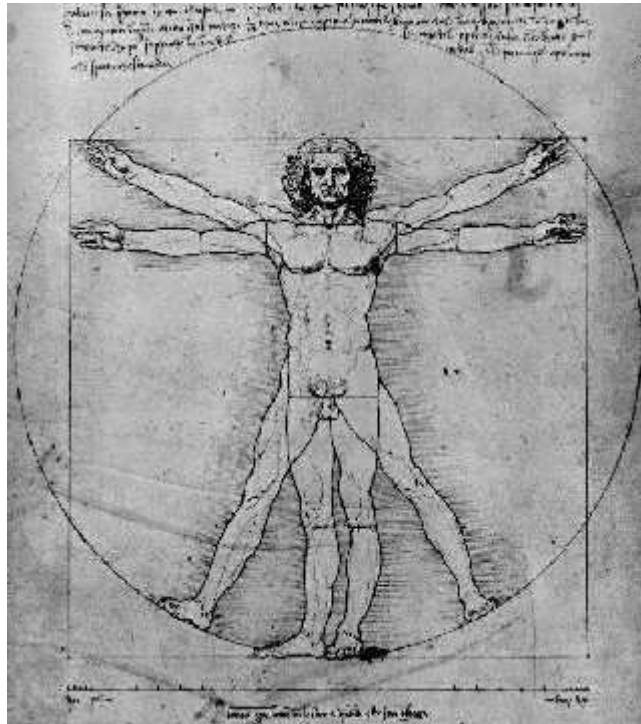
Kant would look for a universal law that could be applied to all instances of sex. Possibilities may include:

- Only have sex with someone if you are prepared to have a child with them
This may run contrary to the will. Some people may be unable to have children, and yet would want to have sex as it deepens a relationship, bringing two people closer together. Other Kantians may suggest:
- Only have sex in a committed relationship by mutual consent and not merely to satisfy lust. We're acknowledging here that people can have meaningless sex which can leave them feeling cheapened and used. However, some people have sex in a way that fulfils them and involves them on a spiritual level that is not merely using themselves as a means to an end.



Should sex have any other end than personal satisfaction and pleasure? Give reasons for your answer.

Natural Law



The popular Catholic response to masturbation using natural law is that it is blunting God's purpose and is using the penis or vagina in a way that God did not intend. This position can be maintained by Catholics as that every sexual act should have the possibility of ending in pregnancy (NB the church's position on contraception). However, progressive Catholic theologians may point to the need for a structured society as a way of permitting masturbation and even contraception, as sex can be unitive as well as used merely for reproduction. The absolute nature of the secondary precepts drawn from the primary precept seeking reproduction, however, satisfies most Catholics that contraception and masturbation are evil.



Situation Ethics

When considering issues surrounding sex, Situation Ethics does not bring the rigidity of a Natural Law or Kantian approach. It recognises that, whilst rules can exist they are not deontological or immovable as 'love is the only norm (rule)' and is good in itself. In other words whilst rules can be broken in certain circumstances to do the most loving thing, the will to do the most loving thing cannot be.

In the case where a man is locked in jail and his wife comes to visit [Midnight Express], it would be considered by Situation Ethics absurd to forbid this man to masturbate and thus share a sexual experience with his wife simply because a rule would be broken. Clearly the most loving, positive thing to do is to allow masturbation and to break the rule forbidding it. This decision can be justified also by the pragmatic nature of the theory.

When considering homosexuality, situation ethics also provides a satisfactory answer as, for example, although it may be held that heterosexual relationships should usually be encouraged because of the reproductive possibility, to deny homosexual couples the right to build relationships, get married and have sex is wrong as in a situation where a man is gay, the possibility of him having a reproductive relationship is not great nor is it desirable. Personalism, which tells us you need to put the people first, Positivism, which means to do the most loving thing and the Pragmatism of the facts, which are Relative to the case, show us that love, not the rule, is absolute.



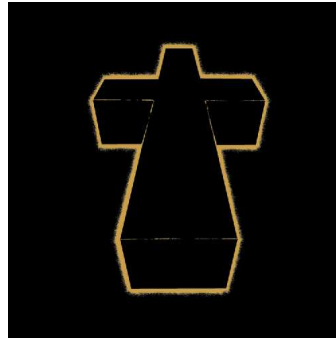
Virtue Ethics

Virtue theory focuses on our telos, purpose and how we should act to be useful and potent in society. For example, when considering masturbation we do not look out our telos in the same way in which natural law would. Instead of viewing that it is unnatural or against God's will and our purpose, we view masturbation in terms of its virtue. For example, a person who does not masturbate is likely to become sexually frustrated and therefore may leap into a relationship with another when they are not ready or committed to this relationship; or alternatively frustration can lead to an uncontrolled desire, rape. However, someone who masturbates too frequently and does not lead a normal life or pursue a relationship because of this also contributes negatively to society, or does not contribute at all. What we may look for using virtue theory is a golden mean, one may use masturbation when one's sexual needs are not being fulfilled in a relationship, however, masturbation should never be used as a substitute for the seeking of a committed, sexually fulfilling and child bearing relationship.

When considering the issue of homosexuality the parallels between Natural Law and Virtue theory become evident. As both ethical systems were founded by Aristotle they have a focus on the telos of human beings, although this may seem to suggest that a conservative line may be taken to topic of homosexuality this is not necessarily the case. If a person is gay then they will not have children, taking this into account it seems that both theories would prefer it here for relationships between two men or two women to be allowed as this way the couples can play a role in society which is structured and similar to straight couples. Although Natural Law views reproduction as a purpose this is not going to be fulfilled under any circumstance then surely it is less evil to fulfill the primary precepts of achieving an ordered society than to condemn gays and outlaw or try to change them.



Christianity and Sex



A Christians approach to sex is that it unites a couple and expresses one another's love towards each other. When looking at natural laws view they would feel that the purpose of sex is to reproduce, this causes issues with contraception. If contraception is used then it may cheapen a person as sex is merely being used for pleasure not reproduction. Therefore contraception will be going against god's purpose for us. Any sexual activity, which isn't open to reproduction, is also viewed as unnatural. They view that acts such as masturbation are wrong and a sinful act to do.

Homosexuality

When looking at the issue of homosexuality a traditional Christian's response would be that it is morally wrong, as there will be no possibility of a life from the act. Any sex outside marriage is impermissible. It can also be viewed as an un-natural thing to do. As it states in the bible same-sex acts are "dishonoring their bodies" therefore you are merely using yourself. It also states that "you shall not lie with a man as with women: that is an abomination".

Consent

A Christian would view that sex should only be permissible if a person is in a committed relationship (married) as it unites the couple. This brings in the issue of consent. It is not right to have sex with a person who cannot consent. However it is hard to decide when both people in the relationship have matured. Many countries view differently upon this in the U.K the age of consent is 16 and in Peru the man must be over the age of 14 and the female must be over the age of 12.

Masturbation

When looking at masturbation the Christian church teaches that sex should only be used as a practice for those who are in a committed relationship. Acts such as masturbation are wrong as there will be no possibility of a life from the act as a result and it is seen as a sinful act to do. This view is also shared with the Roman Catholics.

