

Sexual Ethics



Key words

- Cohabitation- An unmarried couple living together in a sexually active relationship. "Living in sin".
- Consent- Freely agreeing to engage in sexual activity with another person.
- Premarital sex- Sex before marriage.
- Extramarital sex- Sex beyond the confines of marriage- adulterous sex.
- Betrothal- Traditional exchange of promises, which in earlier times marked the point at which sex was permitted.
- Consummation- An act of sexual intercourse that indicates, in some traditions, the finalisation of the marriage.
- Exclusive- A commitment to be in a sexual relationship with a person to the exclusion of others.
- Homosexuality- Sexual attraction between people of the same sex.

Pre-marital sex & cohabitation

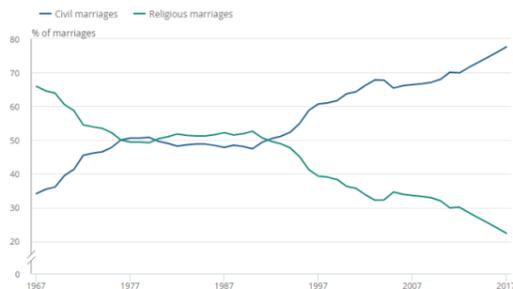
Christian teachings traditionally views sex before and outside of marriage as sinful. The mainstream Christian understanding of sex places it firmly within the bonds of marriage. Premarital sex indicates a lack of moral discipline and threat to the institution of marriage and family. Cohabitation lacks stability.

"Flee from sexual immorality" 1 Corinthians 6:18 [NIV]

"Every sexual act must be within the framework of marriage." Casti Connubii (written by Pope Pius XI in 1930, addresses Catholic teaching on marriage and procreation)

"That is why a man leaves his father and mother and is united to his wife, and they become one flesh". Genesis 2:24

Figure 6: Civil marriage ceremonies have outnumbered religious ceremonies each year since 1992
Percentage of civil and religious ceremonies, England and Wales, 1967 to 2017



This chart shows that civil marriage now outnumber religious marriages in the UK. People are waiting longer to marry and therefore cohabitation (and premarital sex) are becoming increasingly normal.

Extra marital sex

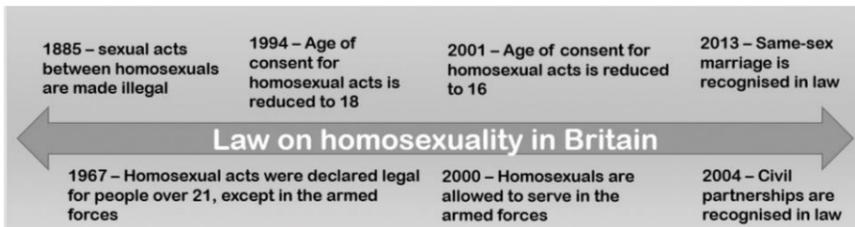
- ✓ When a married person has sex with someone other than their spouse.
- ✓ When a single person has sex with a married person.



- In the Catholic Church it is believed a marriage which has been consummated cannot be dissolved. Therefore, if a catholic *do* get divorced and go on to have other relationships they are technically committing adultery.
- Church of England prefer if people don't get divorced (technically its forbidden), but there are some exceptional circumstances in which it is permitted eg. Abuse.
- Secular society has also become less approving of adultery.
- It can be argued that historically the Christianisation of marriage helped make marriage more just as it made adultery unacceptable for both men and women, stopping men having concubines. Consent has always been an important element of marriage in Christianity.

"Do not commit adultery" Exodus 20: 14

Homosexuality



Despite an increasing tolerance towards homosexuality, there is a still a plurality to society's response. This *could* be linked to migration from cultures with strikingly different attitudes.

Christianity and homosexuality.

Traditionally homosexuality is considered wrong by the Church.

There is no possibility for procreation, thus homosexuality undermines the traditional purpose of a marriage.

Do not have sexual relations with a man as one does with a woman; that is detestable. Leviticus 18:22

'If a man has sexual relations with a man as one does with a woman, both of them have done what is detestable. They are to be put to death; their blood will be on their own heads. Leviticus 20:13

Is it really homosexuality been condemned or is it adulterous and non consensual sex?

These rules were written into the Bible at a time in history when society was completely different- so it is appropriate to apply these rules to our society?

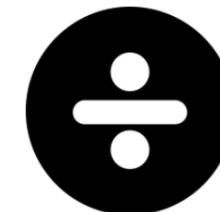


Historical context- In Ancient Greece men commonly had sex with other men IN ADDITON TO RELATIONSHIPS WITH THEIR WIVES.

In the Greco- Roman Era pederasty was common- sex between men and pre pubescent boys.

So...lots of adulterous and non consensual sex!

- Gareth Moore (NOT G E MOORE FROM META ETHICS) argues that scripture is being used inconsistently to reinforce prejudice.
- There are other parts of the Old Testament no longer enforced as they are inconvenient (Leviticus 19:19), but other sections are used to attack minorities.
- However, Vardy argues that Jesus demanded high standards of morality and would not have tolerated liberal attitude towards homosexuality.
- Due to debate and interpretation of scripture the Church is divided.



Sexual Ethics

The Church of England and homosexuality

- The Church of England requires clergy who identify as gay or lesbian to be celibate.
- Church of England ministers cannot perform same sex marriage but a minister can pray with a couple after a state marriage.
- Gene Robinson is an openly gay bishop in the Episcopal Church in the USA.

The Catholic Church and homosexuality.

- There is no sin in an inclination towards a member of the same sex, it is not freely chosen and it is a trial. Such people should be treated with compassion.

“In discussing the dignity and mission of the family, the Synod Fathers observed that, as for proposals to place unions between homosexual persons on the same level as marriage, there are absolutely no grounds for considering homosexual unions to be in anyway similar or even remotely analogous to God’s plan for marriage and family.”
Pope Francis, On Love in the Family, 2016

“If a person is gay and seeks God and has good will, who am I to judge?”
Pope Francis, The Guardian, 2016

“Backyard mongrels”
 Cardinal Glemp, Poland, 1991

Each year between 150-200 men are killed due to their sexual orientation in Italy.
Arcigay, Italian gay rights group.

Changing Christian thought on homosexuality

Some churches explicitly welcome homosexual people.

Genesis 1:27 – we all made in the image of God and if condemn homosexuality you are suggesting God intentionally creates “disordered beings”. We should be more concerned with the quality of the relationship than the orientation of its members.



United Reformed Church.

9th July 2016 – empowered its minister to conduct and register same sex marriages.

“Those of our churches who now wish to offer full marriage services to same sex couples are free to do just that- and those churches who do not wish to are not compelled to.”

Secular responses to ethical issues.



Individuals need to be protected from the tyranny of political power and the **tyranny of the majority.**

We should be free to behave as we wish as long as no one else is harmed by our behaviour.

“That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.” J S MILL

Mill was not opposed to marriage, but felt there was more to be done in making marriage fair. In 1869 he wrote in *The Subjugation of Women* that through the institution of marriage women are being relegated to the status of slave.

Note- since Mill was writing there have been some BIG improvements eg. Women can file for divorce and same sex marriage has been legalized.

Current philosophers Martha Nussbaum and Amartya Sen both focus on the freedoms we need for human wellbeing.

- Having bodily integrity, including the opportunity for sexual satisfaction.
- Having emotional attachments to things and people outside ourselves; to love those who love and care for us. This includes not having one’s emotional development blighted by fear or anxiety.
- So, surely as long as sexual relationships are consensual we should be free to decide what for they take without the judgement of others?

Natural Law and sexual ethical issues.



- Natural Law states that morality is objective. Absolute. Fixed.
- Something is good if it helps humans flourish/ achieve their purpose.
- The process of judging right and wrong requires the use of reason, which we are capable of as we are made in the image of God.

Primary and Secondary Precepts.

In order to help us achieve our telos Aquinas highlighted **FIVE Primary Precepts**. These are general rules built into human beings as a result of being made by God. Aquinas also views these ‘rules’ as fundamental goods.

1. The preservation of life.
2. Human procreation.
3. The advancement of knowledge and learning.
4. Living in a peaceful and harmonious community.
5. The worship of God.

The primary precepts are DESCRIPTIVE. (Tell us what the rules are).

Therefore it is the role of the secondary precepts to be PRESCRIPTIVE. (Tell us what to do). The secondary precepts are just a practical implementation of the five primary precepts.

Catholic approaches to sexual ethics draw heavily on natural law.

- ✓ Procreation is central to the purpose of sex and marriage.
- ✓ Whilst sex does have a unifying purpose, it must not be separated from procreation.

Homosexuality is wrong- Primary precept = Human Procreation- Does not allow for new life.

Premarital and extra marital sex= wrong - Primary precept: Living in a peaceful and harmonious community- Procreation outside of marriage lacks stability and is not conducive to a flourishing human society.

Sexual Ethics



Criticisms

Why must reproduction be the sole purpose of sex? Is it not enough that it unifies the couple?

In the modern day women live longer and spend more time being non fertile than fertile. Are the only allowed to have sex in their "fertile prime"?

Do we judge heterosexual couples with fertility problems as immoral? NO. Therefore should we rethink the condemnation of homosexual couples who are deemed sinful as they cannot procreate.

Burton M Leiser

Sexual acts have multiple purpose and we do not need simultaneously fulfil all purposes at once!

Yes...sexual organs are suited to reproduction, but they are also suited to producing pleasure.

Condemning people for enjoying sex just reveals prejudices and taboos in our society.

But can natural law justify extra marital sex?

Now Sarai, Abram's wife, had borne him no children. But she had an Egyptian slave named Hagar; ² so she said to Abram, "The LORD has kept me from having children. Go, sleep with my slave; perhaps I can build a family through her."

Abram agreed to what Sarai said. ³ So after Abram had been living in Canaan ten years, Sarai his wife took her Egyptian slave

Hagar and gave her to her husband to be his wife. ⁴ He slept with Hagar, and she conceived. Genesis 16

Situation Ethics and sexual ethical issues.

Remember situation ethics focuses on **agape not eros**, but is sensitive to deep love between individuals.

Agape love: an altruistic love felt for human kind. No connection to bodily desire.

Joseph Fletcher

There is one universal and absolute principle= LOVE. This means its should be applied in **all situations by all people**. Situation Ethics, therefore, is not a relativist theory, as they allow for **NO UNIVERSAL PRINCIPLES**. There is one absolute maxim (a rule which demands application) to which particular judgements are relative. You must always apply love, but what that entails will be different in different situations.

A key feature of Fletcher's theory is **personalism**: good has to be experienced to be good, so is applicable only to or for a person.

Four working principles:

- 1) **Pragmatism** – moral actions must work or achieve some realistic goal.
- 2) **Relativism** – there are no fixed laws which must always be obeyed.
- 3) **Positivism** – first place is given to Christian love, rooted in faith.
- 4) **Personalism** – people come first, not rules or ideals.

Six Fundamental Principles/ Propositions

1. Only one thing is intrinsically good: love.
2. The ruling norm of Christian decision is love.
3. Love and justice are the same.
4. Love wills the neighbour's good, whether we like him or not.
5. Only the end justifies the means, nothing else.
6. Love's decisions are made situationally, not prescriptively.

Ultimately Situation Ethics is going to seek a loving and practical decision, that may permit the breaking of traditional moral laws surrounding sex. It seeks to put the individual at the heart of the decision.



- Flexible

- It emphasises love...how can that be bad?



- Love is very subjective- people will disagree on what is loving, which is going to limit decision making. I may agree it is acceptable for a woman to have an extramarital relationship if her husband is abusive, others may say it isn't a loving act towards her family which may ultimately break down.
- Situation Ethics puts the primary protagonist at the heart of the decision, but this does not protect broader family or societal interests.
 - ❖ Eg. Extramarital relationships causing family breakdown
 - ❖ Premarital sex that leads to an abandoned single parent.

Kantian Ethics and sexual ethical issues.



- ✓ Kant's ethical theory is **deontological**. The right or wrongness of an **action** is based on the action, not the consequence
- ✓ There is an **objective moral law**, This means that moral laws exist, independent of individual viewpoints. These laws are binding/ they stand no matter what.
- ✓ **Autonomy of the will-** freedom is essential in moral decision making.

The Categorical imperative has three principles or three tests which help us show if a moral maxim should be a universal law (a moral law followed in ALL situations).

- . **Universal Law principle:** The only actions that are moral are those that can be universalised – applied in all situations and to all

rational beings, without exception.

2. Treat Humans as ends not as 'means to an end' (the principle of humanity): Kant held human beings as the pinnacle of creation. Therefore, it can never be moral to exploit people, to use them as a means to an end. Each person is unique and of equal value so cannot be sacrificed, even if it would result in some overall greater good.

3. The principle of the Universal Kingdom of Ends: If you were making the law and it could not be applied in world in which we all treated one another as ends, then you cannot make it an objective moral law.

Sexual Ethics

Marriage = highly respected.

Two consenting adults, making a life long commitment that places a significant level of worth on the individuals= 😊

Kingdom of ends- marriage bonds are highly respected by many.

Extramarital sex= WRONG

Universability and Kingdom of Ends- very few people would accept that it is morally permissible for all married people to have affairs, as it would be suggesting it is okay to break the sacred marriage vow/ promise.

Treat humans as ends in themselves, not a means to an end- there is a significant potential that people are being taken advantage of/ abused etc.

Premarital sex= WRONG

Universability and Kingdom of Ends- some would argue premarital sex is outside of the normative social rules and it would not be supported as a moral act by a majority, suitable for all.

Treat humans as ends in themselves, not a means to an end- there is a significant potential that people are being taken advantage of/ abused etc.

Homosexuality= WRONG...if we follow traditional social norms.

HOWEVER...

If freedom and dignity is an integral part of morality, then perhaps homosexuality CAN be permitted. After all, the universalisable ideas of consent, commitment and exclusivity can all be applied to same sex relationships.

Yet, if procreation is universalised as a purpose of relationships then homosexuality would be deemed as immoral.

Utilitarianism and Sexual Ethics

Good = That which produces pleasure, happiness, contentment or welfare.

Right = That which maximises one of these things (happiness, pleasure etc.)

Principle of utility= The Utilitarian maxim that seeks “the greatest good for the greatest number”.

The motivation of humans, according to Bentham. **Hedonism**: belief that pleasure is the chief good. Essentially, humans are motivated by **pleasure and pain**.



“Nature has placed mankind under the governance of two sovereign masters, pain and pleasure.” Bentham

If happiness is simply equated with hedonic pleasure this would suggest that Utilitarianism can legitimise a free and unregulated attitude to sex.

BUT Free love could lead to unhappiness eg. STIs, unwanted pregnancies, unfulfilling relationships.



To help us calculate what will give us this Bentham invented the Hedonic Calculus. **Hedonic Calculus**: The system of calculating whether an action will maximise pleasure and minimise pain. Allows us to easily apply Bentham’s ethical principles to our day to day actions. **Also worth noting that Bentham wanted a greater well being for everyone.**

The Hedonic calculus has 7 steps/ calculations.

1. Intensity – how strong is the pleasure/pain?
2. Duration- how long will the pleasure/ pain last?
3. Certainty – how sure are we the pleasure/ pain will occur?
4. Remoteness- how soon will the pleasure/ pain occur?
5. Fecundity – how likely is it the action will be followed by sensations of the same kind?
6. Purity- how likely is it this action will only cause pleasure or pain?
7. Extent- how many people will be effected?

Marriage/ Premarital sex and extra marital sex

Thinking about well being and the hedonic calculus Bentham would have supported traditional marriage rules (no premarital or extra marital sex) as they protect the poor and less powerful. It limits the sexual behaviour of those more powerful (men in a patriarchal society).

Homosexuality

- ✓ Society, as a whole, needs people to have children so our species can continue. This could therefore mean Utilitarianism can be used to reject homosexuality (and perhaps the wide spread use of contraception).
- ✓ Some Utilitarians may also argued that as the majority of society are heterosexual, that homosexuality should be prohibited for the interest of the minority.
- ✓ However, JS Mill’s focus on quality would place the pleasure and happiness of the homosexual minority above the pain of those who oppose it. It is important to prevent mass social prejudice.

Are normative theories useful in what they might say about sexual ethics?

Natural Law: Establishes clear rules and gives a system for making sense of moral behaviour. However, can be used in ways which narrowly define the purpose of humans and creates overly prescriptive rules.

Situation Ethics: Helps explore morality in extreme circumstances. Designed to deal with exceptions, so not as helpful in articulating how the social implications of sexual relationships could be addressed.

Kantian Ethics: Can inform both personal choices and law as it emphasizes the individual need to act ethically, but also the need for a universal approach. Emphasizes the inherent value of humans but also the importance of living together in a world in which we are treated fairly. Arguably the most adaptable.

Utilitarianism: Its societal approach may not be as useful when it comes to personal questions of sexuality. Also can be applied in many ways- so it s flexible, but perhaps lacs clarity.