

Sexual ethics

Premarital and extramarital sex

Later in this chapter on sexual ethics we consider the issues of contraception and homosexuality. This first section addresses three fundamental questions:

1. Is sexual intercourse outside of marriage, **premarital sex** and **extramarital sex**, morally wrong?
2. Is sexual activity morally acceptable only within the context of a loving and caring relationship?
3. Is sex such a big deal? Should it just be considered as a natural bodily function of no great importance?

To think about

'Sexual intercourse has nothing to do with love, relationships or having children. It is about pleasure – pure and simple.' Discuss.

Sex and relationships in Christian thought

The Bible

The Bible is the starting point for a Christian understanding of sexual intercourse and human relationships. However, biblical writers give differing views.

The Old Testament begins with the abundance of procreation. God, according to the Creation story in Genesis 1, causes the world to give birth to an abundance of

Key terms

premarital sex – sex before marriage.

extramarital sex – sexual act between a married person and someone other than their marriage partner.

creatures, so great that the land and seas can hardly contain them. Procreation is seen as a gift of God, as an aspect of his goodness in which human beings are called to share. Later in the book of Genesis, the angel of the Lord appears to Abraham and tells him:

I will indeed bless you, and I will make your offspring as numerous as the stars of heaven and as the sand that is on the seashore. (Genesis 22:17)

God's promise and covenant with Abraham was based on the idea that the gift of God is to be found above all in childbirth.

In ancient Jewish law sexual intercourse became inseparable from marriage, as the contractual nature of the marriage relationship regulated the issue of inheritance. Women were expected to be virgins when they married. This rule meant that a man could know that his children were his, in order for him to pass on his birthright. It was virtually impossible for a young woman who had already had sex to marry. This fact explains the law in Exodus 22 which states that a man who has intercourse with a virgin is required to pay a dowry to the girl's father and to marry her. If the girl's father refused to give her away, the dowry would allow the girl to live with her parents, as she was never likely to marry.

Inheritance also appears to be the reason for the Old Testament condemnation of adultery. The Torah places adultery with theft and after murder as a serious offence. The link with theft is deliberate. Adultery was seen as the theft of a wife by another man. Its seriousness meant that the penalty for adultery was capital: death by stoning. The reason for this was twofold. First, adultery would create uncertainty about the legitimacy of any son. Consequently the husband would not know whether the son who inherited the estate was his own offspring or not. The other reason has to do with the status of the wife. She was considered her husband's property and therefore having sex with her was theft of the most important thing that a man owned.

The teaching of Paul

Jesus made very few references to sexual matters. Early Christians, therefore, took guidance on sexual ethics from the teachings of Paul. Writing to the Corinthian church, a place known for its sexual licence, Paul urges Christians to regard the body as a beautiful gift of God. The word **body** did not have as straightforward a meaning for Paul as it does today. It did not just mean the physical form. It can be thought of as your whole personality, which includes your physical form and your character, your consciousness and how you perceive yourself. In a letter discussing sexual desire and prostitution, Paul wrote:

The body is meant not for fornication but for the Lord, and the Lord for the body. . . . Do you not know that your bodies are members of Christ? Should I therefore

take the members of Christ and make them members of a prostitute? Never! (1 Corinthians 6:13, 15)

Paul goes on to talk about the importance of marriage. Sex outside of marriage is regarded as wrong. Paul sees the sex industry of Corinth in terms of its effect on people. It corrupts the character (the body). He asserts:

Or do you not know that your body is a temple of the Holy Spirit within you, which you have from God, and that you are not your own? (1 Corinthians 6:19)

The human personality is designed to reveal God's nature and not to become affected by sexual lust. This idea explains Paul's teaching on **celibacy**. He argues neither for it nor against it, but asserts that if a person's sexual desires cannot be controlled then it is best for that person to remain celibate.

Sex and relationships in later Christian thought

Biblical writers emphasize the contractual relationship between a man and his wife and between his family and hers. Love is regarded as important yet it is a secondary consideration. This reflects the state of affairs in the ancient world. The role of women was generally seen as inferior to that of men. Women did not participate in the political process and while they had influence they did not have power. This situation began to change in the nineteenth century. This is reflected in the development of Christian theology from the reign of Queen Victoria onwards. Liberal theology accepts the equality of men and women in any relationship. It also puts great importance on love as the cement that binds a marriage together. This emphasis on love can be seen not only in situation ethics but also in other types of radical theology that developed in the 1960s.

Love dominates modern Christian understandings of sexual intercourse. The contractual obligations of marriage have been replaced by the centrality of agape. The love between Christ and his Church is used to illustrate the loving and caring relationship a husband ought to have with his wife. The word 'cherish', in the Book of Common Prayer marriage service, is emphasized while the word 'obey' has been written out of modern Christian vows.

The emphasis on love in liberal theology freed sexual relationships from what was seen as the straitjacket of marriage. Increasingly marriage was seen as a bonus rather than a necessity. Sexual intercourse was permitted outside marriage. The American liberal theologian, Harvey Cox, argues that what is important is a relationship of love: whether the couple are married does not matter. Indeed, marriage was seen as an impediment, restricting true love.

Key term

celibacy – abstaining from marriage and sexual relations.

Key point

A liberal Christian response to sexual morality puts love (agape) at the centre of relationships. Sexual intercourse should take place within a loving relationship. This does not necessarily need to be a married relationship.

Cox implies that relationships are fluid yet many people desire a long-term commitment. This may or may not be as a married couple. Cox suggests that in a world of fluid relationships, extramarital sex is inevitable. Yet traditionalists argue that this leads to the destruction of stable relationships. Cox responds to these criticisms by arguing that extramarital sex is a symptom that a relationship has broken down. The couple should recognize this and, in love and charity, move on.

True Love Waits®

Fundamentalist Christians take a less liberal path. They regard love as important yet the Old Testament emphasis on a contractual relationship is also valued highly. That contract is permanent and sexual relationships ought not to be undertaken outside of marriage. In 1993 the principle of True Love Waits® was created as part of Christian sex education. This pledged Baptists not to have sexual intercourse until after marriage. In 1993 this was through a verbal pledge and signing a commitment card. Later, **chastity rings** were introduced for young people to wear to show that they are not prepared to have premarital sex.

An organization was created in 1996, known as the Silver Ring Thing (SRT), which educates young people to remain virgins until marriage. This movement was part of an evangelical campaign against escalating numbers of teenage pregnancies and to spread the message of abstinence. Members wear a ring bearing a reference to Paul's first letter to the Thessalonians:

For this is the will of God, your sanctification: that you abstain from fornication; that each one of you knows how to control your own body in holiness and honour. (1 Thessalonians 4:3–4)

Members of the Silver Ring Thing wear rings to show their pledge to maintain their virginity until marriage.



Modern Roman Catholicism also stresses the importance of virginity before marriage, though it recognizes human weakness. Benedict XVI in his first encyclical, *The Love that Satisfies* (2007), recognized the desire of many for premarital sex. He criticized the sin, as he saw it, while showing forgiveness to individuals. Catholic teaching is grounded in two fundamental principles: Natural Law and the sanctity of the sacrament of marriage.



Sex and relationships in Natural Law theory

Aquinas' view of Natural Law forms the basis for much of the teaching of the Roman Catholic Church. Aquinas developed his ideas at a time, similar to today, when the nuclear family largely existed on paper rather than in reality. Aquinas used his Christian and Aristotelian principles to develop the idea of the moral importance of sexual intercourse only within the marital state. This was a very different idea from that which existed a century earlier. Aquinas' concept of sexuality was intrinsically connected to procreation and not about sexual pleasure. It became accepted because, in part, it brought social cohesiveness in a divided world and, in part, because it had a firm basis in Christianity.

In the *Summa Theologica* Aquinas asserts that the function, purpose and end of sexual intercourse is the procreation of children. Any sexual act that prevents the possibility of childbirth is immoral, since it runs contrary to nature. As a result, anal sex, bestiality and masturbation are all equally intrinsically wrong as they prevent human life being conceived. Such acts thereby became unnatural.

Aquinas commented on other sexual activity that was common in his lifetime. Rape and incest were not unusual and neither was adultery. Aquinas argued that such acts are contrary to right reason. They are unnatural, not because they prevent the potentiality of childbirth, but rather they conflict with the good of society and respect for the other person involved. The key to Aquinas' understanding of Natural Law and sexual relationships is the creation of a harmonious and therefore virtuous society.



Strengths and weaknesses of Christian approaches to sexual relationships

Christian approaches to sexual relationships are remarkably diverse. Four distinct approaches have been examined here – the biblical foundation, liberal theology, evangelical views and Natural Law theory. Each different tradition has its own strengths and weaknesses.

Fundamentalist Christians argue that premarital sex is always wrong. The strength of taking this moral position is the emphasis it places on the importance of marriage, and the importance of self-discipline and self-control. Liberal Christian writers argue that this teaching ignores loving and caring relationships outside of marriage. It also ignores homosexual relationships. Fundamentalist Christians, in response, argue that they are being true to the Gospel and that they have a responsibility to preach what they consider the truth rather than conforming to today's moral norms.

A liberal Christian response to sexual morality regards love (agape) as the primary goal of any relationship. Other Christians argue that the creation of children and the need to maintain a strong and enduring family life are equally important in the consideration of sexual morality.



Some Christians believe that sexual intercourse belongs within the commitment of marriage.

Non-religious scholars argue that there is a fundamental flaw in all Christian responses to sexual ethics. Religious ethical systems are, to a greater or lesser degree, theocentric, that is having God as a central focus. These writers argue that a theocentric position creates a sexual ethic that is inhumane and therefore immoral. Homosexuals are forbidden by their faith from having sexual intercourse, even within the context of a loving and stable relationship, as this is contrary to God's norm for human beings as expressed in the Scriptures. In *The Poverty of Theistic Morality* the American scholar Adolf Grunbaum argues that Christian sexual ethics is based on the narrow views of old men who claim that this is what God wants.

Sex and relationships in Kantian ethics

Kant believed that you should never treat people as a means to an end but only as an end in themselves. Kant used this aspect of the Categorical Imperative to assert that sexual intercourse is morally unsound. He does this by arguing that any person who desires sex is not fundamentally interested in the welfare of the partner. What interests those having sex is not the other person but the fulfilment of a strong sex drive.

There is, though, a contrary view within Kant's moral philosophy. This emphasizes the need for human beings to preserve life. This is one of the individual's primary duties. It leads not only to Kant attacking suicide but also to him regarding masturbation as a greater evil than suicide. While suicide destroys a life which already exists,

masturbation does not allow human life. It is therefore contrary to Kant's taxonomy of duties.

Human life cannot be preserved without sexual intercourse yet, at the same time, Kant regarded sex as morally degrading. Marriage is another problem that he had difficulty resolving. Kant wanted marriage to be something higher than bodily desires, but this is what he felt it was. He wrote, in graphic terms, that marriage is a:

Lifelong possession of each other's sexual attributes. (Immanuel Kant, The Metaphysics of Morals, Mary Gregor (ed.), Cambridge University Press, 1996)

He sees prostitution and the way in which the rich have mistresses as being precisely the opposite of what he wants for human beings. Prostitutes have a contract with their clients that destroys human autonomy; it makes the prostitute a thing to be used. He also believed that marriage had the potential to be the same. He thought that men might use their wives merely to produce children and that this ought not to be the case. Kant believed in the autonomy of every person and this included married women.

Kant's *summum bonum* may be considered to be the solution to the contradictions in his thought. It is left to the afterlife for the age of reason to be achieved, when human beings will rise above their sexual needs. Moral society will then exist since reason will triumph over the needs of the flesh.

Kant's view of sexual relationships outside of marriage was affected by his view of (a) sex and (b) marriage. He regarded both as imperfect, yet he saw that sex was necessary for the human race to survive, and that marriage was the best method of regulating sexual intercourse and the creation of offspring. Marriage could be abused, but sexual relationships outside of marriage, he believed, created a worse situation. It led to women being treated as things rather than as partners. Kant spoke of marriage as being designed for 'merry conversation', by which he meant companionship. He regarded relationships outside of marriage as temporary affairs, based on sexual relationships rather than true companionship. As such sexual relationships outside of marriage were morally flawed.

To think about

'Kant's views on sexual relationships are contradictory. He just did not understand that human beings are animals.' Discuss.

Sex and relationships in Utilitarianism

Bentham

Extension note

Discovery, sex and Tahiti

During the eighteenth century, Europeans continued to explore and then conquer the world. In 1772 John Hawkesworth wrote about the exploits of two British naval captains, Captain Wallis and Captain Cook, and their travels to the Pacific Islands. Hawkesworth's book became a best seller. It told of naked people, living a simple life and openly enjoying sex and, unlike the European, having no shame in what they were doing. It was, as if, these British sailors had stepped back into the Garden of Eden. Europeans were captivated by the stories of the Pacific Islanders. For Europeans, Tahiti became a mythical place of strange creatures and even stranger inhabitants.

After reading about this far-off place the young Bentham reflected about the nature of human beings and the difference between European Christian sexual morality and that of the Pacific Islands. While England was hanging men for homosexual acts, Tahitians were happy having homosexual and heterosexual intercourse in public without any sense of guilt or shame. As Pamela Cheek points out, in *Sexual Antipodes: Enlightenment Globalization and the Placing of Sex*, these discoveries led Bentham and others to question who was the brute. It led him to divide sexual morality into offences against the self, for which there ought to be no penalty, and offences against society, which the law ought to regulate. Bentham's views on sexual relationships were very liberal for his time. Mill, though, regarded Bentham's views as too liberal. Mill called the Pacific Islanders 'barbarians'.

The central feature of Utilitarianism is the principle of the greatest good/happiness/pleasure or welfare for the greatest number. In any examination of utilitarian attitudes to sexual relationships this is the starting point.

Bentham's view of sexual relationships is strikingly modern for his time. Famously he approved of gay relationships, which gave harm to no one and pleasure to many. He also believed that pornography and prostitution should be lawful for similar reasons. He regarded sex as a basic human need that exists to give pleasure, however transitory that may be.

Bentham distinguished **offences against the self** from **offences against society**. Homosexuality, pornography and prostitution are classed as offences against the self. They affect the individuals concerned; they do not affect the wider population. What a person reads, pays for or does in the privacy of the home has no bearing on his or her next-door neighbour, let alone someone living on the other side of the country. Heterosexual Bentham may not have liked homosexuality but he did not see it as a social matter. On the other hand, sexual intercourse that produces a criminal class is a social problem. From a utilitarian point of view childbirth can be good for the maximal number of people in society or it can be bad. It depends on the family life of those involved. Bentham was concerned about those he regarded as the idle, criminally minded poor and their capacity to produce unwanted offspring.

Benthamites, however, regarded the need to reduce poverty and control unwanted births as crucial for the reduction of lawlessness, poverty and disease. It ensured the greatest good for the greatest number. This thinking would justify the forced sterilization of Romany offenders in post-war Sweden and in other parts of Europe.

Mill

Mill's Rule Utilitarianism starts from a different perspective. Human freedom, for Mill, is necessary for human beings to be happy. Therefore without liberty utilitarian values are not possible. Mill's view of sexual relationships is guided by the need for freedom. Importantly, this freedom is equal for men and women. It means that a woman has a right to decide for herself if and when she wants sexual intercourse. This may be within or outside of marriage. The liberty of the woman is vital, as is that of the man. Mill regarded sexual intercourse as a necessary but lower pleasure. Marriage was essentially about friendship and companionship, which were higher pleasures.

Sexual intercourse outside of marriage should not be unlawful. Following Bentham, Mill regarded prostitution as a fact of life, a personal matter between the prostitute and the client. Personal freedom should not be restrained by society. However, Mill, writing with his wife Harriet Taylor (1807–1858), examined the issue of reputation. They argued that it would be wrong, for example, for a husband to cause embarrassment to his wife's reputation by visiting brothels and, more generally, treating her with contempt. They considered that a wife should have the right to leave her husband in such circumstances, at a time when this was not legal. Mill did not consider premarital and extramarital sex as wrong. What was wrong was the exploitation of women, which he believed was more likely outside of marriage than within it.

The issue of embarrassment and the way in which that limits individual freedom also affects Mill's other views about sexual relationships. For example, sexual intercourse ought to be illegal in a busy public place since the general public would be offended.

Key terms

positive autonomy – positive effects of personal freedom, for example, ability to make personal decisions about marriage, partnership, love etc.

negative autonomy – harmful effects of personal freedom, for example, ability to cause harm to the self through drug addiction or sexually transmitted infections.

However, Mill argued that there was nothing wrong with sexual intercourse taking place in a field where the general public was unlikely to go. Pornography and prostitution fitted this same standard. It should not be illegal but it should not occur where it might embarrass or cause offence.

Sex and relationships in modern Utilitarianism

Modern utilitarian approaches to sexual relationships develop the issues raised by Bentham and Mill. Alan Wertheimer, in *Consent to Sexual Relations*, points out that the position that Mill holds disregards the negative effects of autonomy. He argues that **positive autonomy**, Mill's position, ignores the way in which freedom can be exploited by pimps and by the traffic in sex. **Negative autonomy** recognizes that freedom may, paradoxically, involve lack of liberty.

The autonomy of the individual is set against the welfare utility of society. Argument often centres on negative and positive autonomy, on the one hand, and offences against the self and against society on the other. There are utilitarians that wish to control certain activities for the welfare benefit of the maximal number of people. Thus, someone who is HIV positive or has AIDS should be prevented from having unprotected sex, for the general good of society. Equally, on grounds of sexually transmitted infections, brothels should be strictly regulated and unprotected sex not allowed. This will protect society. Such laws also recognize the negative effect of personal autonomy.

There are though some utilitarians who, following Mill's view of positive autonomy, argue that such steps impose impossible limits on personal freedom.

To think about

'The sex industry is like any other business. Selling porn is no worse than selling tobacco.' Discuss.

Peter Singer, the Preference utilitarian, argues that human beings should be free to do what they like to whomever they like as long as that other person is not harmed in the process. Singer, following Mill, is concerned with positive harm. Negative harm is, it is argued, impossible to evaluate. How, for example, is it possible to evaluate whether a prostitute is harmed by their ability to sell his or her body for sex? It is obvious if that person is forced into the sex industry but it is less clear if that person decides that this is what they wish to do in life. Equally the effects of premarital sex and extramarital sex must be calculated on the basis of positive harm. A utilitarian

view would therefore not see extramarital sex as wrong in itself; however, it would consider the harm that an adulterous relationship would create in terms of the hurt caused and the consequences for a marriage.

Key point

A utilitarian view of sexual ethics argues for the liberty of consenting adults to do what gives them pleasure, as long as it does not cause harm to others or to society.

Sex and relationships in Virtue Ethics

The starting point in Virtue Ethics is the virtuous state of the moral agent. However, how this impinges on sexual ethics is a matter of some argument within Virtue Ethics. Virtue ethicists agree that central to sexual relationships is the idea of a stable commitment between partners. They argue that sexual activity joins two people into an emotional and physical union. It should not be treated lightly as just a bodily sensation. It has a wider effect on the individuals concerned. Therefore, Virtue ethicists regard prostitution as morally wrong since it does not lead to a stable and loving relationship. Further, pornography can also be regarded as morally wrong as it treats the other person as simply an object of no great consequence. However, it is not the harm that it does to the porn star that is the major worry. It is rather the effect that it has on the person looking at the pornographic film or magazine. They lack virtue by treating others as objects.

Sexual relationships should take place within a stable and loving relationship. The question is whether this means that premarital and extramarital sex are acceptable within the context of a stable relationship. With regard to premarital sex there are two Virtue Ethics answers. The first of these asserts that a stable and loving relationship can exist outside of marriage. What is important is whether the couple love each other and whether they are in a long-term relationship. However, many Virtue ethicists argue that such a relationship is not possible outside of marriage. They argue that the legal bonds of marriage lead to the emergence of caring and stable relationships. This second position follows Aristotle's view that marriage creates the conditions in which virtuous love can flourish. Extramarital sex is harder to justify in Virtue Ethics.

Virtue Ethics has a number of strengths when dealing with sexual relationships. These include, it is argued, the importance given to the moral integrity of those involved

and also the way in which these moral virtues can be applied to homosexual as well as heterosexual relationships. Some scholars argue that Virtue Ethics is too perfect. There is a need to accept the imperfection of human relationships. It can also be argued that marital bonds and stable relationships are not intrinsically good in themselves. Many people get exploited in relationships. There is no intrinsic moral difference between having sex within a stable relationship and having casual sexual intercourse.



Contraception



Contraception in Christian thought

There is no single view on contraception among Christians. There are stark differences of opinion not only between different Christian denominations but also within them. In ancient and medieval times the use of contraception was rare. Today it is widespread. The writers of the Bible and early Christian writers did not live at a time when contraception was preventative; rather it worked by causing a very early miscarriage. Contraception was therefore seen as morally bad since it had the same effect as an abortion.

Today, however, many Christians no longer regard contraception as morally wrong. Indeed, many regard it as the most moral thing to do in certain situations. From the 1930s the Church of England and other Anglican Churches worldwide saw the need for contraception to prevent unwanted pregnancies. Even before that, Anglican clergy in London's East End had argued in favour of contraception as a way of relieving the poverty of the labouring classes. The plight of the many children who live in extreme poverty in the cities of Latin America and the Indian subcontinent underlines, it is argued, the need for effective birth control in the developing world. The Protestant and Orthodox Churches today hold similar positions to that of the Church of England. God is love and therefore does not wish people to give birth to unwanted children. Nor, it is argued, does God wish to see human beings die from the effects of unprotected sex. Yet many religious people feel that the widespread use of contraception frees human beings from moral responsibility. Evangelical Protestants argue that the widespread use of contraception sends out the wrong message.



Contraception and Natural Law theory

The teaching of the Roman Catholic Church is opposed to artificial contraception. In 1969 in a wide-ranging encyclical entitled *Humanae Vitae*, Pope Paul VI reaffirmed the traditional Natural Law stance of the Church. He argued that the use of condoms creates a physical barrier to prevent childbirth; this is unnatural. Roman Catholics assert the importance of allowing the potential to create human life in intercourse. This is what sex is primarily designed for, the creation of life. Yet the attitude of Paul VI, although fundamentally a continuation of Aquinas' views, was criticized within the Roman Catholic Church. The leading theologian of the Second Vatican Council, Hans Kung, pointed out certain inconsistencies. Paul VI allowed for the rhythm method of birth control. This method requires the woman to work out the natural rhythm of her monthly cycle, recording changes in her body temperature to discover when she is ovulating and to avoid sex at that time. It is designed to prevent conception in a natural way. This suggests for some contemporary Catholic scholars an inconsistency in the approach. Either sexual intercourse is primarily about reproduction or it is not.

Within the Catholic tradition criticisms have been made over its strict adherence to Natural Law theory. It is argued that the ban on contraception does not address two other issues. The first is the importance of the conscience in contemporary Catholic teaching. Pope Benedict XVI has reinforced the traditional stance of the Church yet many Catholics in North America and Western Europe follow their own personal conscience, ignoring the ban despite Church tradition. Birth rates among Catholics and Protestants are remarkably similar in these areas.

There is a further issue, which developed in the late twentieth century. Some Catholics use the principle of **double effect** to argue that it is morally acceptable to use condoms to prevent HIV and AIDS, even though it also prevents the birth of a child.



Contraception in Kantian ethics

The difficulties that exist in Kant's views about sexual relationships also exist in what might be perceived as an interpretation of his views on contraception. On one side of the argument is the view that procreation is an intrinsic duty of the human race. Human beings must preserve life; therefore, contraception would seem to be morally wrong. Yet Kant does not say that it is the duty of every human being to reproduce nor does he say that every act of intercourse ought to result in a child. His condemnation

of masturbation, however, does seem to imply that any sexual act should have the potential to create human life.

There are some grounds to suggest that Kant might have approved of contraception. The argument lies in his view that human beings should never be treated as a means to an end. In the eighteenth and nineteenth centuries women were regarded generally as the property of their husbands. Such a view meant that they had little control of when they had sexual intercourse and, as a consequence, little choice in producing a family. Kant, who had a high regard for the autonomy of every rational human being, did not share the view that women were property. Clearly, therefore, Kant would have regarded it as morally wrong for a woman to be forced to have children in precisely the same way that he considered it immoral for a woman to be made to have an abortion.



Contraception and Utilitarianism

The early history of utilitarian attitudes to contraception was centred on the rights of women in marriage to have control over their own lives. Generally in Victorian Britain women were under the authority of their father or husband. Women did not have rights and this extended to when and where they had sexual intercourse. The husband controlled sex in marriage and fathers prevented it outside of marriage. In reality this control did not work for everyone yet the penalties for either refusing to have sex with your husband or for having premarital sex were quite serious. Women were often beaten by their husbands and could be admitted to mental asylums for being 'frigid' or suffering from 'nymphomania'.

Contraception gives women control over their lives. It prevents unwanted pregnancies and theoretically it can stop a woman being forced to have a family. J.S. Mill was the first utilitarian to campaign in favour of contraception. Mill was arrested for distributing obscene literature, material that showed how to use contraception. He was influenced by Annie Besant (1847–1933) who campaigned for the legalization of contraception and for women's rights. Mill saw that the greatest good of the greatest number would not be possible if women were denied liberty.

This idea of the merits of contraception for the greater good is still the utilitarian position. The Cambridge Welfare utilitarians, who followed Sidgwick, campaigned in the 1920s and 1930s for the legalization of contraception. Today issues relating

to population growth, to unwanted children and child trafficking, and to AIDS lead contemporary utilitarians to continue to campaign in favour of birth control.

Extension note

Annie Besant

Annie Besant was a social reformer and political campaigner in the late nineteenth and early twentieth centuries. She was a prominent campaigner for women's rights and for Indian nationalism.

In 1867, Annie married Frank Besant, a clergyman, and they had two children. However, the marriage was not a happy one and, in 1873, Annie's increasingly anti-religious views led to a legal separation. She became a prominent member of the Fabian Society and of the National Secular Society. She became an associate of Charles Bradlaugh, the editor of the periodical *National Reformer*, for whom Besant wrote articles on women's rights and marriage.

In 1877 Besant and Bradlaugh published a pamphlet on contraception and as a result were tried for obscenity. The trial divided the nation. Charles Darwin wrote letters attacking the idea of contraception. He argued that it prevented, as he put it, the 'perfecting' of the human race through natural selection. Some classes were more likely to use contraceptives than others. In the trial Annie quoted from J.S. Mill to argue that the widespread use of contraception would lead to fewer unwanted pregnancies, to less poverty and a reduction of crime. All these factors would maximize human happiness.

Besant and Bradlaugh were sentenced to six months in jail. The sentence was subsequently overturned on appeal. Released from prison, Annie later emigrated to India and died in Madras in 1933. She did not live to see Indian independence nor a woman's right to control sex in marriage. India became independent in 1947 but it was not until 1992 that it became an offence under UK law for a husband to force his wife to have sexual intercourse.

To think about

'Contraception is neither morally good nor bad. It is just necessary.' Do you agree?



Contraception and Virtue Ethics

There is no clear-cut answer among Virtue ethicists concerning the morality of contraception. Some Virtue ethicists start from the Aquinas' Natural Law position and argue that what is virtuous lies in human reproduction and the loving and caring relationship that exists within a family. This is the position held by Rosalind Hursthouse. It is argued that contraception leads to casual sex, which is inherently immoral as it treats the other person as a means to personal satisfaction. A virtuous person, it is argued, would wish to have relationships that value the other person.

There are other ways of looking at contraception. Michael Slote emphasizes the caring nature of a virtuous person. He defines three types of care as being central to what makes the individual virtuous. These are:

- care for yourself
- care for family and friends
- care for humanity.

It can be argued that all three types of care emphasize the need to use contraceptives. If you care for yourself you will not wish to die or be sick through sexually transmitted infections. If you care for your family and friends you would wish to reproduce only those who are going to be wanted and brought up in a loving and caring environment. You have therefore a duty to bring into the world only those you are able to look after. Finally, your desire to care for all humanity will take into account the growth of the world's population and the consequential damage done to the environment. You would not, as a virtuous person, wish to add to this. You would also wish, through your charitable giving, to help the developing countries control their population growth. This would in turn have beneficial effects on disease and poverty in developing countries.

There are those, however, who argue that this is a simplistic view of care, based on a consequentialist form of Virtue Ethics. Therefore, for example, some would see the Chinese one-child policy as an illustration of care for humanity and others would regard it as inhumane and therefore not virtuous.

The difficulty in giving a hard and fast answer to the morality of contraception highlights a major flaw in Virtue Ethics as an ethical approach. As the approach depends on the virtuous nature of the individual, each case and each situation becomes unique. For instance, it would be morally virtuous for a person not to wish to infect his or her partner with AIDS/HIV, while it would not be virtuous for a person to use contraception as an aid to sleeping around.



Homosexuality



Introduction

The term homosexual refers to gay and lesbian people: any person that has a sexual preference for someone of the same sex. In the late nineteenth century people with homosexual tendencies were regarded in America as mentally unstable and in the United Kingdom as criminals. Gay sexual relationships were illegal in Great Britain until the late 1960s, when the law was changed to permit gay men to have sexual relationships in the privacy of their own home. At that stage the law determined the age of consent for a gay male as 21. Later changes in the law have lowered the age of consent to 16. Lesbian sexual relationships have never been illegal in the United Kingdom.



Homosexuality and Christian thought

Christians continue to be divided over the issue of homosexuality. Most Christians take their beliefs from the Bible and the traditions of the Church and use their own reason. The emphasis that they place on each of these three sources of authority will influence their view on homosexuality.

Homosexuality and biblical teaching

There are only a few references to homosexuality in the Old Testament. There is an obvious attack on homosexuality in Leviticus:

If a man lies with a male as with a woman, both of them have committed an abomination. (Leviticus 20:13)

The only references to homosexuality in the Old Testament, relate exclusively to gay male relationships. They are condemned. There is no biblical reference to lesbian relationships, even though they existed in the ancient Middle East.

The New Testament has even fewer references to homosexuality. Jesus does not mention homosexuality at all. It doesn't appear in the Sermon on the Mount, which contains Jesus' most important moral teachings.

Liberal Christian views

Liberal Christians, both Protestant and Catholic, take a different viewpoint on the issue of homosexuality. They use the idea of *telos* to attack the basic conclusion of Catholic teaching that homosexual acts are sinful. Their argument is that the *telos* of eudaimonia can only be fulfilled in a stable and loving relationship. God would not wish any human being to suffer a life which is unfulfilled.

Liberal Christians point also to the way biblical passages against homosexuality are used. They point out that Paul, who attacks 'homosexual perversions' is the same man who recommends the institution of slavery and tells women to be silent in church. They argue that few if any traditionalist Christians would accept Paul's view on women and on slavery, so why accept his views on homosexuality? The former archbishop of Cape Town, Desmond Tutu, argues that homosexuals should be treated equally to heterosexuals because they are not to blame for how they were created:

There is no longer Jew or Greek . . . there is no longer male and female; for all of you are one in Christ Jesus. (Galatians 3:28)

The former bishop of Edinburgh, Richard Holloway, asserts that Christians are called to break down barriers, to be social campaigners for the Gospel of love. He states that far from being in the vanguard of change the Church has often been trying to defend ideas that society has already abandoned.

Liberal Christians take some of their ideas from situation ethics. Fletcher's concept of agape inspired a generation of Episcopalians to take up the mantle of social reform. Bishop Gene Robinson, who is openly gay, regards love as the central theme of God's moral law. He believes that Christians have a duty to practise God's fundamental law – the Golden Rule of Jesus. Situation ethics judges every case on the litmus test of agape. For Robinson, agape reflects itself in commitment to your partner. Therefore sexual intercourse should be judged in terms of the type of relationship that an individual has. Sex is morally wrong if it is promiscuous or for money. Homosexual acts should be judged morally on the same criteria as those of heterosexuals.

Christianity in America is very strong but it is also very divided. On one side are the traditionalists and fundamentalists. Opposed to them are the liberal churches. The Episcopal Church, the American equivalent of the Church of England, historically bridges the divide between traditionalists and liberals. Therefore conflict over homosexuality is strongest within the Episcopalian Church. The appointment of Gene

Robinson as Bishop of New Hampshire has created serious divisions, with some more traditional parishes and dioceses setting up their own church structure.

Christian attitudes to homosexuality, in conclusion, vary enormously. The traditionalist approach, which condemns what it considers the sin of homosexual acts but not the sinner, is the most widely held. This can be found in both the teachings of Protestant and Roman Catholic churches. There are, though, many Christians who dissent from this view. They argue that God is love and would not wish for a group in society to be prevented from doing something that brings no harm to others. They regard love and mutual respect as foundation stones of the Christian faith. The issue continues to be a source of conflict among Christians.



Gay Pride is an annual celebration of lesbian, gay, bisexual and transgendered identity. The rainbow flag is a symbol of the diversity of society.

Homosexuality and Natural Law

Catholic teachings on homosexuality are based on Natural Law. God created male and female to become one flesh, as Genesis puts it, and to reproduce. The act of sexual intercourse has as its *telos* the birth of a child. Homosexual acts can never reproduce and therefore gay sex can never conform to the intention of procreation. Homosexual intercourse is therefore morally wrong. While gay men and women may love each other, the Roman Catholic Church maintains that any sexual act is morally wrong since it can never fulfil its *telos*.

Roman Catholic teaching is therefore quite clear and is based on Scripture and Natural Law. The Catholic Church teaches that such acts are always violations of divine and Natural Law. Yet, in recent years, there has been a softening of Catholic attitudes to homosexuals. While homosexual acts are still forbidden, Catholics are encouraged to understand the gay or lesbian person. In a *Letter to the bishops of the Church on the pastoral care of homosexual persons*, Pope John Paul II argued that the sin should be condemned but not the sinner.



Homosexuality and Kantian ethics

Kant argued that homosexuality is wrong. He did so for a number of reasons. His direct comments on the subject suggest that the power of the Natural Law theory (sexual intercourse that does not have the potentiality for human life is immoral) was still a great influence on him. He wrote that homosexuality was a **crimine carnis** (a crime of the flesh) and that it degrades human beings below the level of animals.

Kant regarded all sexual activity outside of marriage as a means to an end rather than an end in itself. This includes homosexuality, which was legal at the time in his native Prussia. His reason for rejecting any extramarital sexual relationships is that marriage is a permanent commitment while extramarital affairs are unstable.

It can be fairly asked how Kant would have reacted to homosexuality today, in a world of civil partnerships and gay marriages. Some argue that he would have had a different attitude to homosexuality within the legal framework of marriage. Alan Soble, in *Kant and Sexual Perversion*, doubts this. The reason for this is that homosexuality fails to cross the hurdle of an aspect of the Categorical Imperative. This is:

Act only on that maxim whereby which you can at the same time will that it become a universal law. (Immanuel Kant, Groundwork for the Metaphysics of Morals)

You may remember that it is on this basis that Kant condemns suicide. Now suppose you believe that there is nothing morally bad about homosexuality. You would, using Kant's method, look at a single case and then apply it to all cases. You would in doing so note a big problem. If everyone were to become homosexual the population of the world would decline to zero. The human race would have committed mass suicide. As a result, Kant maintains that homosexuality is morally bad.

Kant's views on homosexuality are open to criticism. Writing in *The World as Will and Representation* the German philosopher, Arthur Schopenhauer (1788–1860),

considered what he called the **paradox** of homosexuality. He attacked Kant's views on homosexuality by asserting that it is a means of preventing greater evils. What is the greater evil that homosexuality prevents? It is the birth of unwanted children.

Others note that Kant was a celibate; he never married. Now, if Kant's own rule was applied to **celibacy** then, as with homosexuality, the whole human race would disappear. Does this mean that all human beings have a duty to marry and reproduce? In a world of overpopulation this may seem an immoral suggestion. Modern philosophers have therefore found it hard to create a strong case for using Kant's ideas when dealing with homosexuality. They often appear contradictory.

Homosexuality and Utilitarianism


The utilitarian approach to homosexuality is very different from that of Kant. Contemporary utilitarians argue that there is nothing wrong with homosexuality. In 2009 Peter Singer produced an article entitled 'Homosexuality is not immoral'. This looks at both the morality of gay relationships and also at the legal situation. Countries should not outlaw an activity that is morally neutral. No sexual activity is moral or immoral in itself; it depends on its effects. This consequentialist view states that whatever sexual activity provides the greatest pleasure or social welfare is the right one. A utilitarian would ensure that there are safeguards as there are with heterosexual acts. These safeguards would restrict activities to the privacy of the home or hotel room, so as not to offend others. People though should be free to do whatever they wish as long as it does not maximize harm or pain.

In early-nineteenth-century England homosexuality was commonly seen as morally evil and homosexual acts were sometimes punished harshly when juries were free to decide what was right and what was wrong. The mob often ruled. Homosexuals were regularly hanged. This was the situation when Jeremy Bentham wrote his *Essay on Paederasty* (the term paederasty means sex between a man and a boy; in the eighteenth century it was used as a general term for anal sex). His work is the first known defence of the homosexual act. It was written in 1785, but not published until after his death. Bentham argues from a utilitarian perspective. He argues that homosexual practices do not harm society and do not lead to the break-up of family life. Therefore, on utilitarian grounds homosexual activity is to be allowed even if, as was the case, Bentham disapproved of it. The law should only enter the bedroom when what occurs there does harm to society. Bentham compared the English situation with ancient Rome, where homosexuality was legal. He argued that Roman society was not affected detrimentally by homosexuality.

Mill supports the basic rationale of Bentham's message. In *On Liberty* he makes the point that some things are morally neutral but when performed in public would be in bad taste. Sexual acts fall in this category. Thus the law ought to ban homosexual acts in a public place but not in the privacy of your own home. It is a case of public decency.

The utilitarian approach has been attacked since Bentham's essay. The following criticisms have been made:

1. There is no such thing as public or private morality. What happens in the privacy of the bedroom has a relevance to society at large. Patrick Devlin (1905–1992), a prominent lawyer of the late twentieth century, argued that homosexuality should continue to warrant a prison sentence. Writing in 1959 he argued that it was impossible to distinguish between what was performed in a public place and what was done in private. He argued that many moral wrongs take place in the home, for example a woman may be beaten by her husband, but it would be wrong to legalize them.
2. The philosopher H.L.A. Hart (1907–1992) argued that there were two different theories of law. He calls these **legal paternalism** and **legal moralism**. He argues that the law should not interfere in the morals of individuals (legal moralism) but that it should interfere to protect the vulnerable (legal paternalism). He regards homosexual acts as applicable here. He argues that young and vulnerable people need the protection of the law when it comes to homosexuality.



Homosexuality and Virtue Ethics

There is no such thing as a single view on homosexuality among Virtue ethicists. Disagreements exist between those who emphasize the Natural Law origins of Virtue Ethics and those who do not. Those who rely on the teleological approach of Natural Law to develop a virtue framework regard homosexuality as being contrary to the conduct of a virtuous person. One argument is that an intrinsic virtue of humanity is the desire to reproduce and thereby to ensure that life goes on. Another virtuous state is that which is found in a loving and caring relationship, within the family. Such ideas can be found in the work of Germain Grisez and Rosalind Hursthouse. This view of Virtue Ethics rejects the idea that it is possible for homosexual couples to have the same reproductive and family life as that of heterosexuals. However, this view does not take into account the possibility for same-sex couples to create a family using modern fertility treatment.

There is another side to Virtue Ethics, which is concerned primarily with character traits. Some scholars argue that virtuous character traits can be found in the lives of homosexuals and therefore there is nothing incompatible between the virtuous life and being gay. What is more, as the American philosopher C.W. Von Bergen points out, there is nothing particularly virtuous in many married family situations. Some Virtue ethicists point to the temporary nature of many gay relationships as an example of how the gay lifestyle goes against the virtuous life. However, this can equally be applied to non-marital sexual partnerships.

How is it possible to assert, on the one hand, that the character of the moral agent is the most important criterion for what is ethical and then to criticize homosexual acts as immoral? The division within Virtue Ethics raises important questions about this ethical theory and its links to Natural Law. Some scholars argue that Virtue Ethics is subjective in nature and therefore what is meant by virtue can be interpreted in a variety of ways; some will condemn homosexual relationships while others will not. Another weakness is the view that while some homosexual relationships meet the criteria of a virtuous state – that they should be long-lasting, loving and caring – they are still condemned because the relationship is considered unnatural. There is the suggestion that some Virtue ethicists move the goalposts. Von Bergen's criticism of this position points the way to the acceptance of homosexual relationships by some Virtue ethicists.

Practice exam question

'Kantian ethics offers little help when discussing matters of sexual relationships.'
Discuss.

A starting point for this essay might be that Kant sets out a view of sexual relationships that accepts its passionate nature. You may want to address the complexities in Kantian thought. You could look at the Categorical Imperative, particularly the idea that a person should never treat another as a means to an end. You could use this in discussing prostitution and casual sex. The importance of duty could be considered, including the idea of the permanence of relationships. Other areas that could be tackled include trust in relationships and the issues of homosexual relationships and contraception idea. In evaluating the question you may wish to argue that there are some aspects of Kantian morality that are useful and some that are not. You may wish to consider whether or not the weaknesses in his approach undermine the whole of his view of sexual relationships.



Develop your knowledge

There are numerous good introductions to sexual ethics, including:

Philosophy and Sex by Robert B. Baker, Kathleen J. Wininger and Frederick A. Elliston (Prometheus, 2008)

A Companion to Some Issues in Human Sexuality by Joanna Cox and Martin Davie (Church House Publishing, 2003)

A Companion to Ethics by Peter Singer (ed.) (Blackwell, 1993)