

ISSN 1367-3592

ISSUE 33 NOVEMBER 2009

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A JOURNAL OF RELIGION AND PHILOSOPHY

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# Sex & Ethics

## Sex in history

It's only 250,000 years ago that a creature more human than ape discovered to its amazement that it could survive on two legs. Our ancestors, *homo-erectus*, vertical man, had arrived. Up to this point in evolution, sexual relations had been similar to those of other creatures: the female presented her rear to the male and intercourse was functional and purposeful.

As homo-erectus evolved into homo-sapiens, that is humans capable of reasoning, language and introspection, it soon became apparent that sex was not only an *instinctive* function but it was *reproductive* too. When our ancestors discovered that babies didn't appear naturally like the buds in spring but were a consequence of sexual intercourse, attitudes to sex began to change, and, 5,000 years ago, as complex and sophisticated human communities began to emerge, humans came to realize that to live harmoniously together, certain boundaries about what was sexually acceptable needed to be drawn – although what was sometimes deemed natural then, like sacred prostitution or pederasty, would be frowned upon today.

Two and a half thousand years ago, by the time of the Hebrews, prescribed rules and regulations about what was *acceptable and natural* were written down, and, practices deemed *unnatural* like incest, homosexuality and bestiality became punishable by death – and what was considered natural in terms of sexual activity came to be dominated by these Biblical injunctions.

But, over the last sixty years or so, questions about what is *natural* in terms of human sexuality have re-emerged.

## The Kinsey Report



In the 1940's Alfred Kinsey, a biology professor at Indiana University in America began interviewing tens of thousands of men and women about their sex lives. Confronted by a generation not used to revealing their private

thoughts and feelings about sex this was no easy task. To protect these intimate revelations Professor Kinsey

encoded people's responses so that personal identities would remain confidential and anonymous.

Kinsey's published research, the Kinsey Report, shocked America and quickly became a best-seller. People brought up to believe that only heterosexual sex within marriage was the norm were presented with a different reality. The Report revealed among other things that 10% of males were homosexual for at least three years of their lives, that 26% of married females had extramarital experiences at some time during their married lives, that 90% of American men sometimes masturbated, and that 50% of American men had been at one time or other unfaithful to their wives.

*"The only unnatural sex act is that which you cannot perform. People do not represent two discrete populations, heterosexual and homosexual. The world is not divided into sheep and goats. The world is a spectrum of varieties and possibilities in each and every one of its aspects. The sooner we learn this concerning sexual behavior the sooner we shall reach a sound understanding of the realities of sex"* (The Kinsey Report)

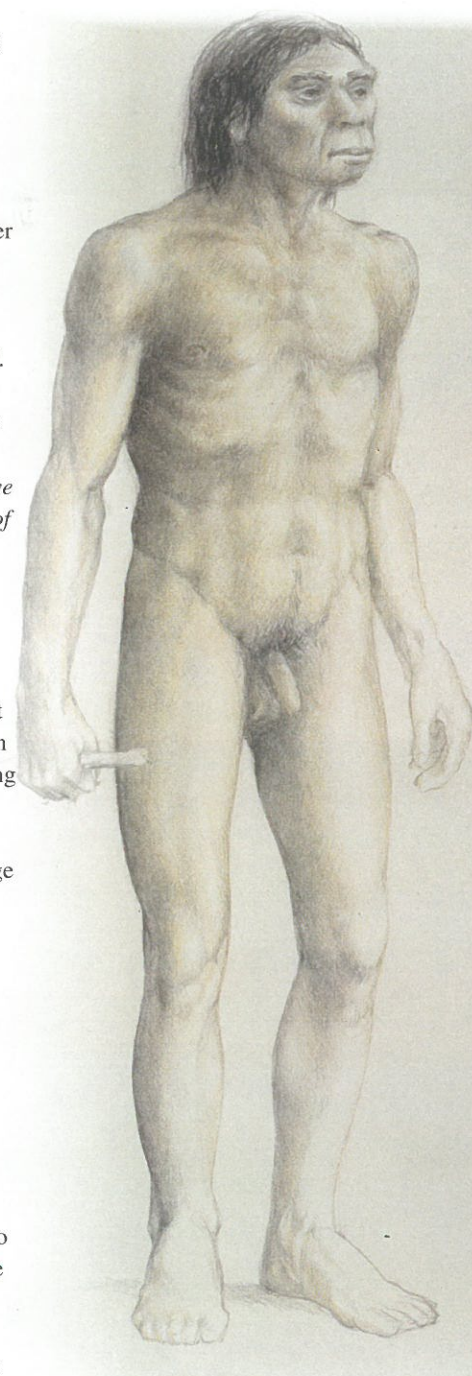
Sixty years on, people today are generally more confident about expressing their sexuality and although the Kinsey Report may seem out of date to a generation brought up in a more sexually flamboyant culture, it was groundbreaking in that it acknowledged that all was not always as it seems in regards to people's sexual behaviour. By confronting subjects that were taboo, Kinsey challenged the meaning of terms like 'abnormal' and 'unnatural' and made a plea for greater tolerance about the huge range of human sexuality.

## Natural Law

Kinsey's report however was not new in one way. Philosophers going back to Ancient Greece, had always been interested in sex, not *describing* it as Kinsey did but in *prescribing* what is right and wrong in relation to sex. In the 4<sup>th</sup> century before Christ Aristotle taught that every thing that exists in the universe has a purpose and if it performs according to its natural, intended purpose, then it becomes balanced and lawful and good. The way to find out *what* that purpose is, according to Aristotle is to examine it and deduce from the examination the reason for its existence.

Aristotle believed that the purpose for humans is

Joe Jenkins







**Aquinas taught that sex has three purposes: firstly to reproduce, secondly, to provide pleasure to the participants and thirdly, to bind a husband and wife together in unity.**

to exercise reason and by becoming rational human beings we could find our purpose for existence – and the pursuit of virtue is integral to this.

This teaching that everything in the universe has a *purpose* was to influence one of the most brilliant of Christian thinkers, whose teachings still influence Christian thinking today. St Thomas Aquinas taught that everything on earth and in heaven has been *created* for a purpose. This is Natural Law which is an Eternal law – it is absolute - always the same at all times and in all places for all people. So going against this purpose is opposing the Creator's intention. For Aquinas the greatest gift in creation is the gift of reason and by using reason human beings can know their purpose in the created order.

Aquinas taught that sex has three purposes: firstly to reproduce, secondly, to provide pleasure to the participants and thirdly, to bind a husband and wife together in unity.

When Aquinas taught that sexual pleasure was one purpose of sex his views were condemned by the church as being too radical; a dangerous position to be in during a period of history when the church treated 'heretics', people who dissented from orthodox views, with secret trials, torture and death by burning.

The 13<sup>th</sup> century church had been dominated for a thousand years by the thought of the Early Church Fathers St Augustine and St Jerome who had taught that sexual pleasure is sinful and the result of original sin going back to the Fall of Adam and Eve in the Garden of Eden: a view that generally *regretted* that we human beings are sensual creatures capable of experiencing intense sexual pleasure. Other Church Fathers called sex 'filthy', 'degrading', 'shameful', 'a defilement' and 'unclean' - the guilt of the original transgression had been transmitted and still persisted in humanity.

For Aquinas however, sexual pleasure was a sacred gift, a mystical union in which a person surrenders the most intimate part of themselves to their lover and in turn experiences the ecstasy of love moving in them as they move in love. Aquinas, by praising sexual pleasure, was in fact continuing a Biblical tradition that went back over 2,000 years (e.g. the *Song of Solomon*).



## 'Sins against nature'

Aquinas also taught that there were 'sins against nature' like masturbation where two of the purposes of sex - procreation and physical union remain unfulfilled; same sex relationships where procreation is unfulfilled; bestiality where procreation and marriage are not realized. One of Aquinas' primary precepts is to procreate – it is natural to want to have sex. It's an instinctive function; but to thwart this process with contraception is to thwart the natural order of things - Natural Law.

According to Aquinas, *'the exceeding pleasure experienced in the sex act so long as it is in harmony with reason does not destroy the balance of virtue'*. Harmony with reason, the virtuous purpose of sex, is realized by seeking sexual pleasure, simultaneously, with procreation, within marital unity. If any one of these three purposes is lost, our sex lives become unbalanced and therefore sinful because 'right reason' is lost. Right reason is lost when people commit acts of rape or engage in mechanical and loveless sex, or commit adultery or have sex outside of marriage; acts which although they may fulfil two of the natural purposes of sex, procreation and pleasure, fail to fulfil the third purpose which is to bind a couple together in life-long union, man and woman in a committed permanent relationship.

## Evaluating Aquinas

Aquinas recognized the immense power of sexual energy: its potential to create but its potential to destroy, and, while teaching that sexual pleasure





is part of God's purpose he also taught that the purpose of such pleasure needs to be balanced with the other purposes of sex. To reap the benefits of the pleasure of sex, human sexual expression needs ethical boundaries.

### The 1960's

For over a thousand years Christian civilization was dominated by such an ethic and sexual pleasure was deemed morally acceptable only when it was experienced within heterosexual marriage for the purpose of procreation.

But, in the 1960's, these attitudes began to be challenged by the flower power and hippy generation who questioned traditional morality and espoused a simple philosophy: *'all you need is love'*. This huge shift in thinking in the 1960's came about as marginalized groups like Afro-Americans, women, lesbians and gays demanded the same rights as those accorded to their white heterosexual neighbours.

### Situation Ethics

This mood of independent thinking and acting was reflected in Christian ethics, when in 1966, an American theologian, Joseph Fletcher, maintained that the Natural Law approach to decision making created a moral climate where people were always

looking back to absolute, authoritarian rules to base their decisions on, rather than making independent and autonomous choices based on their own reasoning and their own personal conscience.

Although Fletcher argued for less emphasis on absolute rules, he was no moral anarchist. As well as rejecting absolutism he also rejected antinomianism where there are *no* rules and where people make decisions *in the moment*; a climate, Fletcher believed that would ultimately lead to ethical chaos.

Fletcher acknowledged that it is not always easy to know with certainty what is the right thing to do, and certain ethical prescriptions like Biblical ones can help guide us through this uncertainty. However, he also maintained that situations sometimes arise when we have to *abandon* and even *break* these prescriptions in order to do the most loving thing and achieve the most loving result: an approach to ethical decision making more in the spirit of Jesus' own teaching and ministry than any absolutist approach:

*"Jesus said nothing about birth control, childlessness, homosexuality, masturbation, fornication, pre-marital intercourse, sterilization, artificial insemination, abortion, sex play, petting or courtship. Whether any form of sex, hetero, homo, or auto is good or evil, depends on whether love is*



Joseph Fletcher

**Although Fletcher argued for less emphasis on absolute rules, he was no moral anarchist. As well as rejecting absolutism he also rejected antinomianism.**





**The love that Jesus spoke of is a love that is untainted by self-interest and self-seeking. It is an elevated expression of love, called by the Greeks *agape*, an unconditional giving of oneself free of egoism**

### I CORINTHIANS 13

Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It is not rude, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres. Love never fails. (NIV)

**In his writings, Kant aimed to establish a supreme principle of morality that could be applied universally, to everyone at all times irrespective of culture or circumstance: a principle he named, the categorical imperative**

*fully served* (Joseph Fletcher, *Situation Ethics*)

The love that Jesus spoke of is a love that is untainted by self-interest and self-seeking. It is an elevated expression of love, called by the Greeks *agape*, an unconditional giving of oneself free of egoism (eloquently expressed by St Paul in 1 Corinthians 13). But in order for this principle of *agape* to work in the modern world, there are, according to Fletcher, four principles that need to be in place.

Firstly, to be right, a thing, a thought, or an action, must work – it has to be pragmatic and bring about the intended result, which is the most loving result. Secondly, the situationist avoids words like ‘never’, ‘perfect’ and ‘always’, because the ultimate criterion is ‘*agapeic* love’ which ‘relativizes the absolute but does not absolutise the relative’. Thirdly, faith working through love is the essence and pith of Christian ethics: reason isn’t the basis for faith but works within faith. This is positivism. Fourthly, ethics deals with human relations and Situation Ethics puts people at the centre of concern, not things. The legalist is a ‘what asker’ while the situationist is a ‘who asker’. It’s about personalism – putting people first.

### Evaluating Situation Ethics

A major criticism of situation ethics concerns the definition of love. We can all define love according to our own subjective understanding but one person’s idea of what love is may be very different from someone else’s. Situationists insist however that the love that Fletcher is talking about is an objective love and one that transcends even romantic love or love of friends: it is *agapeic* love – an unconditional love with no hope of reward.

However, *even if selfless agapeic love is present* in a relationship, situationists have to accept that it is impossible to always predict with certainty what will happen in a sexual relationship, and, what can appear to be a loving relationship can sometimes, tragically, result in unexpected and unwelcome consequences. Other critics worry that as well as not being able to predict the consequences of our actions, any system that abandons a rule-based approach to decision making opens the way for an increase in sexual exploitation and sexual abuse and the innocent will only be fully protected if potential exploiters or abusers are governed by objective moral prescriptions not by subjective, and often misinformed, interpretations of love.

Despite its flaws, there are benefits to situation ethics. It focuses on the individual so a person’s circumstances always take priority over any preconceived ideas about what is right or wrong.

### Homosexuality

For many Christians today, Situation Ethics reflects, ideally, the loving message of Jesus as expressed in the New Testament and if love is fully served then

heterosexual sex within marriage is not the only moral ideal – a position reflected in the Anglican church today where there are openly gay and lesbian priests and even a gay bishop. For literalists and fundamentalists however, this is a step too far and the acceptance of same-sex relationships in the church is a sinful betrayal of the rule-based values found in the Old Testament, rules which are absolute and must always be obeyed.

Some modern Christian theologians are slightly more forgiving and promise to love the so-called sinner but never love the sin; whereas, on the other hand, more liberal theologians believe that the only principle to be followed is the one to love and a committed homosexual relationship can be as loving as any committed heterosexual relationship.

### Kant and Sex



Having looked at two contrasting theological views we will now turn our attention to two ethical theories that emerged during the 18<sup>th</sup> and 19<sup>th</sup> centuries – theories that are still central to the study of sexual ethics today.

Considered by many to be the greatest of all modern philosophers, Immanuel Kant was born in Prussia in 1724, where he lived a quiet, studious and apparently celibate life for all of his eighty years – a man of such regular habits that people used to set their clocks by him as he took his daily stroll. While Kant made a name for himself with his early essays on geography and science it was his work on ethical philosophy that launched his ideas onto the world stage. In his writings, Kant aimed to establish a supreme principle of morality that could be applied universally, to everyone at all times irrespective of culture or circumstance: a principle he named, the categorical imperative:

*‘So act that your principle or maxim might safely be made a law for the whole world. Always recognize that individuals are ends and do not use them as means to your end. So act through your principle as a law making member of a kingdom of ends’.* (Immanuel Kant, *Metaphysics of Morals*)

As a deontologist, Kant believed that the highest form of good is good will and to have a good will is to do one’s duty. Duty mattered to Kant not consequences and he taught that right actions are intrinsically right if the maxim or rule of that action can be applied by all people, in *all* circumstances and at all times; a moral community – where everyone treats each other as ends in themselves. As ‘ends in ourselves’ all of us, says Kant, have an



Kant taught that unlike creatures in the animal kingdom, who are slaves to the powerful instinctive urges that engulf them, human beings, endowed with the gift of reason have the intellectual capacity to seek freedom from these powerful and seemingly irrational impulses.

intrinsic dignity and a value beyond price and as beings capable of reason each one of us deserves respect and must not be treated as objects or *things*.

Kant taught that unlike creatures in the animal kingdom, who are slaves to the powerful instinctive urges that engulf them, human beings, endowed with the gift of reason have the intellectual capacity to seek freedom from these powerful and seemingly irrational impulses. The prime suspect and the chief disturber of reason, says Kant, is lust, which, when dominant *dishonours* us, because, it dishonours our *reason*; and, by desiring only another person's sex rather than the whole totality of that person we violate their dignity as a fellow member of a Kingdom of ends. According to Kant, any action that undermines our status as reasonable beings is suspect, and an action bereft of reason is demeaning because it brings us down to the level of non-reasoning animals; and, if we succumb to these instincts we degrade and demean our status as rational agents:

*'Sex exposes mankind to the danger of equality with the beasts. Taken by itself it is a degradation of human nature by placing it on a level with animal nature ... By virtue of the nature of sexual desire, a person who sexually desires another person objectifies that other person, both before and during sexual activity and makes of the loved person an object of appetite. As soon as that appetite has been stilled, the person is cast aside as one casts aside a lemon which has been sucked dry' (Lectures on Ethics)*

Like all our instinctive functions, sex has its own peculiarities and yearnings, and, in emotionally and hormonally charged environments, the mysterious and often misunderstood impulses that dictate sexual expression can sometimes overwhelm reason. Kant argued forcibly that we should not be side-tracked by feeling and inclination and the fact that we ought to do something implies that it is possible to do it. To act morally is to do one's duty, and one's duty is to obey the moral law which we can know through reason.

According to Kant the most virtuous expression of sexuality is to be found within marriage. While a couple are still placed on the level of non-rational creatures for a temporary time while having sex it's morally permissible because it's done in the broader context of two people freely engaging in a cooperative life-long contractual venture. They're not using each other merely as a means to an end but are doing so in a broader situation of overall respect.

The purpose of marriage is not, as Natural Law theory would have it, procreation. The purpose of marriage is to allow the union of two persons of different sexes to have life-long reciprocal possession of their sexual faculties. Husband and

wife are on equal footing in this regard and sexual enjoyment is a right to be expected within the partnership, until death do they part.

### Evaluating Kant

Although Kant's philosophy is still hugely influential today it's not without its critics; and a problem for Kantian ethics is that every situation has its own uniqueness and its own peculiarities, and, as no moral dilemma is exactly the same it seems unreasonable to have them all governed by the same universal rule or maxim. Certainly no two sexual relationships are exactly the same and to expect them all to be similarly governed seems far too limiting.

Kant's refusal too in allowing exceptions to rules, places severe restrictions on behaviour. In the real world, duties sometimes conflict and we can find ourselves in situations where we have no choice but to abandon one principle for the sake of another.

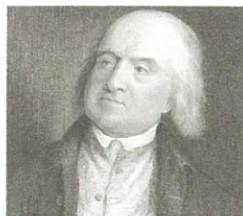
Finally, Kant could be accused of being much too optimistic about human moral autonomy by putting too much weight on human judgment. By shifting moral responsibility to the individual and by severing any relationship with an external authority, Kant envisages humans as the supreme authors of moral laws. However, as the sole creators of moral rules, the danger is that we might make whatever laws we like leading to the breakdown of any sense of a universally accepted moral code.

### The Age of Reason

Kant lived in an age where many Europeans lived in dire poverty. There were no child labour laws and so exploitation of children, particularly sexual exploitation, was widespread. As cities grew larger, prostitution flourished as never before, and in cities like Berlin, Paris and London, thousands of girls, many as young as twelve, worked the squalid streets. Naturally there was an explosion in unwanted pregnancies and an appalling rise in sexually transmitted diseases, venereal disease, gonorrhea and syphilis reaching epidemic proportions. The unfortunate consequences were that the market for younger and younger virgins who could be assumed to be clean of the life threatening diseases, grew.

The 18<sup>th</sup> century was also known however, as '*The Age of Reason*' and in Europe a movement emerged towards a greater recognition of personal freedom, liberty, equality and justice.

### Jeremy Bentham



This movement to protect the individual was, in 1789, expressed in the publication of a book by an 18<sup>th</sup> century British social reformer called Jeremy Bentham, whose



work was to become hugely influential in shaping the political philosophy and legal theory that much of Europe has adopted today – a theory known as utilitarianism:

*'Utilitarianism promotes a clear and simple moral criterion. Pleasure is good and pain is bad; therefore whatever causes happiness and/or decreases pain is morally right and whatever causes pain or unhappiness is morally wrong'* (Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*)

Jeremy Bentham's ethical theory called *utilitarianism* is derived from the word *utilis* meaning *useful* and ultimately for utilitarians the rightness or wrongness of an action is determined by its *usefulness*. Bentham believed that we are naturally drawn towards seeking pleasure and avoiding pain, and nature has placed us under the governance of what he called these "two sovereign masters" of pleasure and pain – masters that dominate our everyday actions and dictate not only what we do but also *what we ought to do*; and so for Bentham any moral action that is useful and right is one that results in the greatest amount of pleasure and the least amount of pain.

Bentham argued that the possible consequences of different moral actions need to be measured to establish which options generate the most amount of pleasure and the least amount of pain. To measure the results of any moral action Bentham devised what he called the utility or hedonic calculus – a method of weighing up the potential pleasure of any action as against the potential pain of that action by considering the following: How sure can I be that my proposed action will bring pleasure (its certainty)? How long will that pleasure last (its duration)? How intense will that pleasure be (its intensity)? How close will the results of the action be to my own life (its remoteness)? How will my action increase pleasure and decrease pain (its richness)? How free from pain will my action be (its purity)? How many people will be affected by my action (its extent)?

#### John Stuart Mill



Although Bentham's arguments for individual liberty had a positive and long-lasting influence on politics and the law, sexual exploitation and ignorance continued into the 19<sup>th</sup> century. The utilitarians turned their attention to the

importance of education for all. In 1863 Bentham's grandson, a brilliant economist called John Stuart Mill published a book that paved the way for universal education, a revolutionary idea at the time, but one

that led to the state education system that we have today.

John Stuart Mill maintained that morality is not only about the *quantity* or the amount of pleasure an action will bring about, it is also about the *quality* of that pleasure and Mill argued that the intellectual pleasures of life like reading, philosophy, music and the arts are as worthy as the physical pleasures of life:

*'It is better to be a human dissatisfied than a pig satisfied, better to be Socrates dissatisfied than a fool satisfied.'* (John Stuart Mill, *Utilitarianism*)

Mill contended that if people were educated they would be far better prepared to face the challenges of life and as a result make happier and reasonable choices about sex.

Utilitarianism has developed today into Act Utilitarianism that maintains that a good action is one that leads to the greatest good in a particular situation and Rule Utilitarianism that establishes the best overall rule by determining the course of action, which, when pursued by the whole community leads to the greatest result.

#### Evaluating Utilitarianism

However, by only looking to results as the decisive factor in ethical decision-making, utilitarianism suffers from the same criticism as other teleological theories in that *it is not always possible to predict the consequences of an action*, particularly when it comes to sex, which can bring unexpected and unpredictable results: unwanted pregnancies, psychological trauma, heartache and sexually transmitted diseases.

Another criticism of utilitarianism is that it is not always possible to make rational and measured decisions, especially when it comes to sex, and given the sometimes overbearing power of sexual desire, applying something as mathematical as the hedonic calculus to sexual choices might be asking too much.

A further problem is the difficulty of *measuring* pleasure or pain. What is pleasurable to one person might be painful to another; people have different needs, and sometimes different sexual tastes and inclinations; and, if there is no universally accepted sense of the exact nature of pleasure or pain, then the premise on which utilitarianism is based is severely weakened.

However, the most serious objection to utilitarianism concerns the issue of justice. While utilitarianism seeks to ensure the most pleasure for the most people it cannot prescribe how that pleasure might be *distributed* and there are no guarantees that the rights of minorities will not be shattered in the name of the greatest pleasure for the greatest number. This is especially true in places like South East Asia today where the flourishing market in prostitution is ultimately driven by poverty.

**Bentham argued that the possible consequences of different moral actions need to be measured to establish which options generate the most amount of pleasure and the least amount of pain.**

#### Picture Acknowledgements

*Homo erectus* (pencil on paper) by English School (20th century)

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*St. Thomas Aquinas* (oil on silvered copper) by Adam Elsheimer (1578-1610)

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*The Garden of Eden with the Fall of Man*, c.1615 (oil on panel) by Jan Brueghel (1568-1625) & P.P. Rubens (1577-1640) Mauritshuis, The Hague / The Bridgeman Art Library  
'Wedding Dance'  
Artist: Heather Hurlzeler