

**NAME- DR. AKANKSHA**

**GUEST FACULTY**

**P.G DEPARTMENT OF PHILOSOPHY, PATNA UNIVERSITY, PATNA**

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**TOPIC : THEORIES OF SEXUAL ETHICS**

**MOBILE NO: 7839270596, 7979872919**

**E-MAIL ID: sakanksha806@gmail.com**

Sexual ethics concerns issues about human sexuality, including sexual behaviour. Broadly speaking, sexual ethics relates to community and personal standards about the conduct of interpersonal relations, including sexual relations within or outside of marriage, issues of consent and power (like rape or incest), how individuals relate to society, and how individual behaviour impacts public health concerns.

**THEORIES OF SEXUAL ETHICS**

**1.SEX AND NATURAL LAW THEORY:**

According to Natural Law Theory (NLT) something is good if that thing fulfils its function. A good knife is one that cuts well, a good guitar is one that plays well, etc. Therefore, in order to work out what “good” sex is we need to ask what sex is *for*. What is its function? In answering this question, we should then be able to work out what is morally acceptable sexual activity.

St. Aquinas and other Natural Law theorists would say that our sexual faculties have one true end — *procreation*. True, sex is pleasurable but it is pleasurable *in order* to fulfill this end. If this is correct then sexual activity is good if, and only if, it is consistent with procreation and bad in so far as it *frustrates* that end. It is important to understand that the outcome is independent of desires, wants, reasons, hopes, fears etc. and that for the Natural Law Theorist (NLT) it is simply an *objective fact* whether a sexual act is wrong or right, something which is not affected by culture, religion, etc. This means that for the NLT there are objective moral truths regarding how we ought, and ought not, to behave sexually.

We can say then that, for the traditional NLT, premarital sex, masturbation, bestiality, contraception, homosexual acts, pornography and adultery are all wrong. Premarital sex is wrong because children would be brought into the world outside the safe confines of marriage. Homosexual acts have no tendency towards procreation at all; contraception frustrates procreative ends; masturbation and pornography focus the sexual acts *inwards* towards oneself, frustrating procreative ends. However, it is vital to make a number of clarifications as people often misunderstand NLT.

There are many things which we could ask regarding this overall NLT approach to the ethics of sex. However, the main question to ask turns on *why* we might think that just because something *is* the case; namely, it is the function of sexual faculties to reproduce, that this is how things *ought* to be. This “is/‘ought” gap plagues many moral theories but seems particularly pressing here. Put simply, it does not seem problematic for someone using contraception to say: “true, I am intending to frustrate the natural function of my sexual faculties but *why* does that mean I *ought* not to do it?”

## **2. SEX AND KANTIAN THEORY**

Kant thinks that sex is morally permissible within the context of a heterosexual, lifelong, and monogamous marriage. Any sexual act outside these contexts — homosexuality, masturbation, adultery, premarital sex — is *morally wrong*. His reasons for thinking this are very complex, not least because his writing on the subject, like just about all of his writing, is incredibly dense, but broadly speaking, his views on sex are based on his Second Formulation of the Categorical Imperative (see Chapter 2): *act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.*

Kant, like **St. Augustine** and sometimes Freud, is what **Alan Sables** calls a sexual *pessimist* (Plato and many modern philosophers would be counted as sexual *optimists*). The broad feeling amongst the pessimists is that our sexual desires and impulses, and acting upon those impulses, are undignified. The sexual part of our nature is unbecoming to how humans should behave and threatens our proper moral life. We wanted to show you that Kant is complex and that the answers are not simple. The greatest Kant scholars are still not sure how to understand his ideas on sex. The thing to remember though is that via the second formulation of the Categorical Imperative Kant thinks that sex outside heterosexual marriage is wrong. Within marriage it is acceptable

### **3. SEX AND UTILITARIANISM**

Utilitarianism is the theory of utility which comes under hedonism. which does not rule out an act on the basis of it being *a particular act*. This means that if Utilitarianism is correct we cannot say that any particular sex act is *always* wrong. Premarital sex, or homosexual sex, or masturbation, or oral sex can be morally *acceptable*. The matter is decided by whether or not performing that act brings about more pleasure *overall* than not doing so. This leaves a few questions and qualifications that need to be made.

First, although sex will typically lead to pleasure that does not mean that Utilitarianism is committed to the claim that the act of having sex is always good. Utilitarianism *does* leave space for us to show that rape and pedophilia are morally wrong. For even though the rapist or pedophile might get pleasure from their act, it does not take much to see that the *overall* unhappiness, the mental and physical suffering of the victim, the distress of relatives and loved ones etc. is much greater because the act has taken place.

Second, just because sex is typically pleasurable it does not mean Utilitarianism is committed to the claim that we have a duty to have as much sex as possible. For there are things we can do that bring about more overall happiness. Or we might suppose that having sex all the time might have detrimental effects on relationships and one's mental and physical health.

Third, for Utilitarianism, heterosexual sex within a marriage might be morally *wrong* if there has been coercion or threats, or just a general unhappiness with perfunctory sex, where almost any other activity would bring about more happiness.

Fourth, adultery or having multiple sexual partners can be morally *acceptable*. We can imagine a case where, for example, the overall happiness is increased if married couples agree to have sex with other people to keep their own marriage fun and interesting. Or we might think that someone who is generally not interested in, or does not have time for, a long-term relationship is happier with mutually consenting multiple sexual partners (or prostitutes).

Fifth, Mill gives a different answer to Bentham to questions regarding what we ought to do when considering various sex acts because of his distinction between *higher and lower pleasures*. In general Mill did not value sex and he took the pleasures that arose from it to be fleeting and of lower value. This is because Mill thought that some pleasures

are qualitatively distinct from others and thus outweigh other, lower, pleasures. Bentham however would not make this distinction.

#### 4. SEX AND VIRTUE THEORY

Although virtue theorists do write about many applied ethical issues, they typically do not write about sex. Those that do (e.g. **Elizabeth Anscombe** (1919–2001), **Peter Geach** (1916–2013) and **Roger Scruton** (1944–)) often support a more conservative sexual ethics. However, there are a few (e.g. **Raja Halwani** (1967–)) who do not defend traditional accounts of sexual ethics and consequently, it is unhelpful to try and work out “the” virtue theory view on sexual conduct.

##### **Sexual Ethics through the lens of virtue theory-**

To get a sense of this “Doctrine of the Golden Mean” from Aristotle. The idea here is that by acting *between excess and deficiency* regarding certain feelings we are acting rationally, that is, virtuously. If we keep doing this then we will develop a habit or disposition for this sort of action, and we will just get better at “seeing” what is required of us and responding in the right way in any particular situations. For instance, take “fear”.

To have an excess of fear is to be *cowardly* whereas the lack of fear is to be *rash* or headstrong. To act rationally with regard to fear is to have the virtue of *courage*. The more we act courageously then the better we will be at having courage and thus will need less help from others in order to see what is courageous. We can repeat this for other virtues, e.g. the virtue of “generosity” would be the mean between stinginess and wastefulness.

When discussing sexual ethics a number of different virtues might be relevant. In terms of an Aristotelian approach the virtue that is relevant is *temperance*. This virtue is to do with our *desires* or *appetites* — this includes the desire for food, drink, and importantly for us, sex. A rough modern interpretation of this virtue would be “moderation”. The person who has the virtue of temperance will not either be a drunk or a

glutton or be someone who is teetotal or who starves himself. In relation to sex, the agent who has the virtue of temperance will not simply be driven by unchecked sexual desires nor will he deny natural sexual desires completely but rather he will have sex at the right time, with the right people for the right reasons.

One way of seeing if our action is *intemperate* is if our actions conflict with our other goals and virtues. One example is health. Someone who is intemperate with regard to sex (e.g. promiscuous) would *potentially* become unhealthy—perhaps physically and emotionally. Or consider other things we might value such as friendship or education: in these too we can imagine how intemperance might make these ends hard to achieve — e.g. just consider how a friendship would be wrecked or made impossible with constant unwanted sexual advances. There are some other things that the virtue theorist might say about sex.

First, the virtue theorist would say that *rape is always wrong* because it violates the other person's *sexual* autonomy which is the choice of when and how to have sex and with whom. Second, *paedophilia is also always wrong for similar reasons*. Adultery *might* be wrong because an intemperate person would break the marriage vows *because of their sexual desire*.

So, like Utilitarianism, the answer to whether a virtue theorist would think a certain sexual activity is right or wrong will depend on whether a virtuous agent would do that act, and that would depend on whether the activity fitted within the Golden Mean.