**Sexual Ethics**

**What is sexuality?**

Sexuality refers to one’s sexual identity. This includes whether we are attracted to the opposite sex (heterosexual), or to the same sex (homosexual) or to both sexes (bisexual).

* Sexuality also refers to the way in which we conduct our sex life. For example: promiscuity, polygamy, monogamy, virginity, fidelity, infidelity.

**Why is sexual ethics important for philosophy and ethics?**

Human relationships and how we treat each other is a key issue in ethics. This is because it is sexual relationships which, for most people form the most significant of all human relationships. However, how we should act within sexual relationships and which types of sexual relationships are appropriate, is the subject of much debate across different cultures and religious backgrounds.

**PART 2: Approaches to sexuality Ancient and Modern**

**A) The Pythagoreans and Stoics**

* Humans should abstain from physical pleasure as the intellectual life is superior.
* Our soul is imprisoned by our body and we needed to free our souls to move to our next life. This means that being bound to our body’s physical needs can prevent our soul moving on. Thus sex cannot be holy.This is a dualist approach as it is believed that body and soul are separate.
* The Stoics believed that sexual passions were a lack of control and a sign animalistic desire

**B) The Cyrenaics (5th Cent BCE)**

* In direct opposition to the Pythagoreans and Stoics, the Cyrenaics were a group of people who believed that physical pleasure led to a life of enjoyment.
* They believed that immediate physical pleasure could lead to the good, thus sexual pleasure should be pursued.

**C) The Ancient Hebrews**

* They had a fairly positive attitude to sex considering this was 3000 years ago. The book Song of Songs in the Old Testament is an expression of erotic attraction between two people.
* The Ancient Hebrews (and Jewish people today) place importance on sex in marriage
* However, early Hebrew society saw a wife as purchase and hence the property of her husband. This is still the view of many cultures today, where a dowry system is practiced.

**D) A contemporary view**

* In today’s Western society sexual pleasure is often for immediate gratification and commitment is no longer a necessary pre-requisite for sex. For some people this attitude is a problem, but for others this is a sign of **liberty** and **autonomy**.

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**E) Christian approaches to Sexuality**

* St Augustine considered sex to be a sin, except for when used for reproduction.
* Aquinas agreed but placed less significance on non-reproductive sex as a sin – sex should however fulfil its natural purpose and to divert that may be views as wrong form the perspective of Natural Law.
* Early Christian views were patriarchal (male dominated); the role of women was restricted to the home and children. These views had roots in the Bible – Eve’s transgression in Eden:

*‘To the woman he (God) said,*

*“I will make your pains in childbearing very severe;  
with painful labour you will give birth to children.  
Your desire will be for your husband,  
and he will rule over you.”*

* Early Christians did not really understand the female body and woman were not thought to experience any sexual pleasure (the clitoris was unheard of) this view continued until the 1960’s.
* Early Christians raised the status of celibacy as a holy state preferable to marriage; this view was not something advocated by the ancient Hebrews.
* In Corinthians, St Paul recommends celibacy as Jesus was unmarried. However, one can question this view as in Genesis God tells Adam and Eve to go forth and multiply. St Paul also warns against sexual immorality in his Letters (Corinthians 1)

***‘****It is actually reported that there is sexual immorality among you, and of a kind that even pagans do not tolerate’*

* Some important Christians have shown that celibacy is not practical. Martin Luther left the monastery to marry and Erasmus praised marriage and the importance of sexual pleasure in marriage.
* Today marriage is the norm for lay Christians and in the Catholic Church it is a sacrament. However, sex outside marriage, masturbation, homosexual sex and adultery are not permitted.
* These views come from the Bible or the Natural Law approach, both claim that humans have a specific purposes and sexual activity should be in line with these purposes, which is to reproduce.
* However, in the 20th century the Church of England and the Catholic Church modernised their stance on sex and they stated that sex can be an expression of love between married couples. This is called a **unitive approach.**
* Jack Dominion, a Catholic psychologist argues that a new Christian definition of marriage and sexuality is needed, one which represents contemporary psychology.

**F: A Libertarian approach to sexuality**

* This is the view that any type of sex is morally acceptable if it occurs between two consenting adults.
* This is a relative and subjective approach to sexual ethics.
* This is also known as the **contractarian approach,** as the libertarian view maintains that as long as there is some kind of agreement between two people then people are sexually free.
* There are no religious views at the heart of this approach so sex is not linked to marriage or reproduction.
* Human freedom and autonomy are the most important values.
* Libertarians also adopt the ‘**harm principle’,** which maintains that sexual activity should avoid causing harm directly to those involved and to third parties. Therefore, under most circumstances this would rule out adultery.
* This is because libertarians argue that our freedom should not be taken to the extent whereby it infringes upon the freedom of others.
* **Advantages of the Libertarian approach** – It does not discriminate against gay and bisexual people, it allows consenting adults to do as they please without feeling guilty, after centuries of patriarchal (male dominated) attitudes to sex the libertarian view gave women the freedom to be seen as sexual beings and not just as baby making machines.
* **Criticisms of the Libertarian approach** – some would argue that sexuality is a complicated issue that needs some universal rules other than the ‘harm principle’. Others would argue that is impossible to keep to the ‘harm principle’ as some Christian would argue that consenting sex among unmarried adults harms the moral fiber of society. Thus, Libertarians do not give an adequate definition of harm. Also, the Libertarian approach seems to rule out sado-masochism, what if two consenting adults agree to harm each other as part of their sexual pleasure? Is this still harm if they are getting pleasure out of it?

**G: Feminist Approaches to Sexuality**

* The general aim of feminism is to ensure that the voice of women is heard and incorporated into philosophical and moral debate.
* This approach is essential reactive, meaning that the feminist approach to sexuality was born out of women’s oppression. Much of the feminist approach is a critique of the traditional religious views of women and sexuality.
* Feminists criticise the traditional Christian approaches for defining women as submissive child-bearers. Implicit in the Judeo-Christian view is that woman was created ***for*** man.
* The Christian notion of women’s role as mother and wife dis-empowers women
* Christianity relies on Natural Law, but this is not natural at all, it is a result of social conditioning. This is because Natural Law developed out of the Ancient Hebrew and Greek view of women as second class citizens.
* Most sexual crimes are committed by men, which reflect the view that men see women as their property.
* Because of women’s role as mother and wife they are unable to nurture their own sexual desires, woman are socialised to satisfy male needs.
* Liberal approaches are criticized as they assume that men and women are in a position to enter freely into relationships, when realistically society does not see women as equal to men.
* **Existential Feminism** – This provides the most radical criticism of Christian attitudes to sexuality as, existentialists would argue that there is no such thing as human nature. Therefore, there are no such things as male and female natures. We are not born with a particular nature or essence. Our nature and essence is developed out of free and conscious actions. According to Sartre, an **inauthentic life** is where a person is not able to act freely or where they slip into stereotypical roles. The implications for feminism is that there is no predetermined female nature, women are as responsible for their actions as men, and all social structures that inhibit women to exist an authentic life must be removed.
* Simone de Beauvoir, Sartre’s lifelong partner argues that women for centuries have allowed themselves to become the ***second sex*** by acting the role of wife, mother, lover etc. – this means that women for the most part lead inauthentic lives as they are allowing themselves to be used as objects by men

**PART 3: Practical Issues in sexual ethics**

**The Christian argument against homosexuality**

* Many Christians view homosexuality as unacceptable. Firstly, because it does not a have a procreative outcome, so it is wrong from a natural law point of view.
* Gay marriages are not recognized by the law or the Church, therefore any gay sex has to take place outside marriage, which is sinful.
* Homosexuality is currently under fierce debate in the Church of England as a gay vicar has recently been made Bishop. However, the attitude of some Christians who claim to accept homosexuality is to ‘hate the sin but not the sinner’. What this means is that the person themselves cannot be blamed for having gay feelings; it is the act that is sinful and not the person. Therefore gay people are asked to be celibate. So, some Churches are accepting of people who admit to being gay, but they require that these people never engage in homosexual relationships.
* **The Catholic Church** argues that homosexuality is contrary to scripture and natural law and thus homosexual sex is not permitted. However, they say that there is no sin involved in the sexual inclination towards a member of the same sex and people with gay inclinations should be treated with respect.
* Natural law comments on acts that are unnatural and do not lead to procreation.

**The Bible and homosexuality**

* + Most of the Christian views against homosexuality are based on an interpretation of the Bible
  + Leviticus 18 – “*You shall not lie beside man as you lie beside woman, that is an abomination”,*

“*this is punishable by death*” (Leviticus 20)

* + God destroys Sodom and Gomorrah for a variety of sexual crimes, one of which is homosexuality. However, Lot and his family are the only ones saved. When the angels appear to tell them this, the men in the town try and rape the angels. Lot offers his daughters to these men it return that they do not touch the angels. This illustrates the way in which the Bible treated women as the property of men. It would also imply that Biblical ethics cannot be taken literally
  + Leviticus 18-120 also lists the sexual acts that result in being cut off from the people of Israel. This includes incest and homosexuality.
  + St Paul in Corinthians and Romans states that people who commit immoral sexual acts will not inherit the Kingdom of God

**The Liberal Christian response**

* + This view argues that the Bible has many teachings that are not strictly adhered to. For example, St Paul says that women do not make suitable religious teachers, but the C of E now accepts women vicars and is now discussing the issue of women bishops.
  + The liberal Christian response argues that the Bible is a guide that should be interpreted to apply to modern society. This is a relative approach.
  + Jesus only condemns one type of sexual sin and that is adultery. He does not comment on homosexuality.
  + The main focus of Christianity is love for they neighbor and the Golden rule. Excluding gay couples from the community or asking them to be celibate while heterosexual couples are free to enjoy a loving relationship is not in accordance with these two teachings.
  + The Bible mainly refers to male homosexuality, doe this mean that lesbianism is acceptable?
  + It is the quality of the relationship that determines its moral value and not its homosexual or heterosexual nature.
  + Everyone is made in the image of God; this means that God created gay people. Why then would god create gay people and ask them to be celibate?
  + If the Catholic Church agrees that some people cannot help being gay, then this implies that their homosexuality was determined and is part of God’s plan. So how can something that is part of God’s plan be condemned?
  + Gareth Moore argues that Christianity is a religion that makes room for those outcast by society.
  + The Methodist Church argue that gay couples should have the same marriage rights as heterosexual couples.
  + However, the Church of England does realise that some people may find it hard to be celibate and try and accept those who are in gay relationships. Although, any clergymen who are gay must abstain form sexual activity.
  + Burton Leiser argues that sexual organs have many purposes, one of which is for reproduction. However, this is not the only purpose, sexual organs are used for pleasure, if this were not the case then what would be the point of elderly people getting married or couples who are known to be infertile. Surely the Natural Law approach would not prohibit these couples from consummating their marriage? Therefore, Leiser goes on to argue that it is illogical to condemn people for using their sexual organs for pleasure.

**A Kantian response to homosexuality**

**Kant in favour**

* + There would appear to be no sound evidence to suggest that Kant’s ethical theory could be used against homosexuality.
  + Kant’s concept of universalisability would mean that as long as one were happy that their actions become a universal law, then it is morally acceptable. So, there does not appear to be anything wrong with saying that all people who have feelings for the same sex should be allowed to pursue these feelings free of persecution. However, for the Catholic Church the whole point is that they do not want homosexuality to be universalisable.
  + A very radical reading of the second part of the Categorical Imperative would actually seem to condone homosexual sex over heterosexual procreative sex. This is because Kant argued that people should not be treated as a means to and end. However, The Catholic view is that procreation is the purpose of sex. This implies that women (and men) are being treated as a means to end and the sexual act itself is not being appreciated as an end in itself. Homosexual sex however, because it cannot produce children is an act of pleasure for the sake of pleasure.
  + Kant argued that sex should take place in the context of marriage as this means that the sexual act is taking place within a broader contract between two people, a contract not focused on sex. It would appear that Kant’s main concern was that people did not get used for sex and then be discarded. Sex is acceptable in marriage as a commitment has been established which means that the couple have a duty to each other above and beyond sexual pleasure. On this basis one could not find any objection to homosexuality as gay couples are fully capable of having relationships as devoted and committed as heterosexual couples. Needless, to say Kant writing in the 18th cent did not think of this.

**Kant Against**

* We could read the categorical imperative as an argument against homosexuality as the person becomes an object of desire. This would result in treating the person as a means to an end.
  + In his book *Lectures in Ethics* Kant argues that ‘homosexuality is contrary to the end of humanity’. This shows that he does not approve of homosexuality because goes against our **duty** to preserve and continue the human race.
  + In his books *The Metaphysics of Morals* and *Lectures in Ethics* he argues that sex should only take place in the confines of marriage. This is because Kant argues that sexual desire is not desire for another person but a desire for another person’s sex, this risks reducing human nature to animal nature.

**A Utilitarian Response to homosexuality**

**The arguments in favour**

* The basis to utilitarian ethics is that the happiness of the majority is maximized. There is sufficient reason to believe that Mill and Bentham would condemn homosexuality. This is because utilitarianism stems from the liberal tradition, which believes that the state should not interfere with the private sphere of society.
* Utilitarians would probably argue that society is a happier, fairer and a more liberal place if adults are free to choose the sexual life style they wish.
* The emphasis for utilitarians would be to do with harm and happiness. Utilitarianism would want to ensure that homosexuality did not harm the happiness of the majority.
* Bentham wrote many unpublished manuscripts about the ethics of homosexuality and its compatibility with utilitarianism. He argued that **consent** is the first point to consider, if there is consent then there is nothing wrong with pleasure for the sake of pleasure. Therefore, homosexual sex between consenting adults is acceptable.
* The second point to consider is whether homosexuality harms society and causes unhappiness. This is very different to arguing that homosexuality is wrong because people simply do not like it. There was a time when the majority of people would have argued that black people living alongside white people were making the white people unhappy, yet in today’s society this would not be considered as a sound or moral opinion. Bentham argues that those who condemn homosexuality do so out of prejudice and religious indoctrination as opposed to reason.
* Bentham’s Hedonic calculus would seem to support to homosexual relationships as homosexuality can adhere the seven criteria of the hedonic calculus; Intensity, Duration, Certainty, Extent, Remoteness, Richness, Purity. A loving homosexual relationship would be as long lasting as a heterosexual one, there would no more or less certainty then in a heterosexual relationship and the relationship would have the richness and purity of love that a heterosexual relationship would have.
* Bentham’s version of utilitarianism is known as act utilitarianism as each act is judged on its own merits. Therefore, it could be argued that rather than referring to all gay people in the debate on homosexuality, each relationships needs to be looked at on its own merits.
* Utilitarianism is a consequentialist and teleological moral theory, meaning the morality of a situation is assessed by virtue of its outcome. Utilitarianism would need empirical objective proof that homosexuality had negative consequences before it would be willing to condemn it. Utilitarianism would reject the idea that religion is a sound argument against homosexuality.
* Mill distinguished between higher pleasures associated with the mind and lower pleasures associated with the body. This could be used to argue that Mill would encourage us to think intellectually and rationally about the relationship in question as opposed to focusing on the sexual content of a relationship. Mill might argue that as long as a gay couple had a relationship with mutual understanding and intellectual appreciation then it cannot be condemned. Mill would not be concerned with the sexual content of a relationship but with the quality of it.
* Mill also believed that in order for utilitarianism to work all societies we need to accept the basic principle of telling the truth, as this is the first step for securing the greatest happiness. If there were laws against homosexuality then this would force people into living a lie about who they are.
* Homosexuality could not be condemned on utilitarian grounds as it would very difficult to prove that it was harming society. Most rape is committed by heterosexual men; does this mean we should make heterosexual sex illegal?

**The Utilitarian argument against**

* Some may argue that homosexuality does not maximize the happiness of the majority because; it undermines the value of marriage, it could contribute to a drop in population, it alters the traditional roles of men and women in relationships and it offends some people.
* Mill said that authorities should only intervene to prevent harm to others. Some people could interpret this to mean that homosexuality should be made illegal as it would prevent the above things from happening. Some people (wrongly) believe that homosexual sex poses health risks and should therefore be made illegal.
* The hedonic calculus only looks at the quantity of things and it does not measure the quality. Some may argue that because a homosexual relationship cannot produce children that its quality is not equal to a heterosexual relationship.
* Because utilitarianism is a relative moral theory, some societies could ague against homosexuality from the point of view that it does not maximize the happiness of their particular culture.
* One must ask whether sexuality is private business to the extent that Mill thinks it is?
* Some might argue that all sexual relationships have some effect on the moral fiber of society.

**A Situation Ethics/ Moral Relativist response to homosexuality**

* There are two forms of relativism; **Moral relativism** argues that there are no absolute rules of right or wrong. This means that there cannot be a law that applies to all situations. Instead each situation should be looked at on its own merit. Therefore moral relativism would be against any laws prohibiting homosexuality as it is up to individuals to decide what is right for them.
* However, cultural relativism argues that moral codes will vary according the culture of each society. This could then mean that a society based on religious principles would be justified in making homosexuality illegal.
* It is important not to confuse **moral relativism,** which looks at the individual situation and believes that morality differs from person to person with **cultural relativism**, which believes that morality will differ between different cultures.
* The situationist approach of doing the most loving thing is very useful on the issue of homosexuality, as the most loving thing would be to allow and accept consenting adults to fulfill the sex life that they feel most comfortable with.
* It would be against the core principle of situation ethics to make gay people sad, lonely and isolated by demonizing homosexuality.
* **Relativism** is one of the four working principles of situation ethics. This principle argues that we should avoid words like never and always. Therefore, saying that homosexuality is always wrong would be against situation ethics.
* **Personalism** is another one of the four working principles of situation ethics. This argues that we should put people first and not rules. Therefore, even if you believe that your religion prohibits homosexuality, you should put the feelings of the gay person first.
* Fletcher rejected the Natural Law approach to ethics; this implies that he would also reject Natural Laws condemnation of any sex that does not lead to procreation.

**PART 4: Practical Issues in Sexual Ethics**

**Marriage and Divorce - Key Issues**

* Should marriage be for life?
* When is divorce acceptable?
* What is the purpose of marriage?
* How many times should someone be allowed to remarry?
* Is marriage an outdated institution, is cohabitation better?

**General Christian responses**

* St Paul (in Corinthians) only reluctantly acknowledges that sexual desire is an aspect of marriage. He acknowledges that a husband and wife have sexual duties to each other which should not be denied incase it leads to frustration which make people less able to concentrate on their spiritual duties.
* The early Church and St Paul regarded monasticism as superior to marriage.
* Sex is associated with sin and marriage is a way of containing that sin.
* Promiscuity is forbidden.

**The Bible and Marriage & Divorce**

* In the Old Testament – only once the couple has sex was the marriage official as sex makes a couple become ‘one flesh’
* The Book of Proverbs states that the role of the wife is in the home and to her husband and children.
* In the Old testament divorce was/is permitted but only the husband has the right to begin a divorce
* The New Testament – In the Gospel of Matthew Jesus explicitly states that he does not approve of divorce, although in other Gospels Jesus’ allows divorce in the case of adultery.
* St Paul took the view that Jesus did not permit divorce, although St Paul (in 1 Corinthians. 7:11) stated that separations were acceptable.

**Marriage and Divorce – A Catholic / Natural Law Response**

* St Augustine believed in original sin and sex was the manifestation of this sin.
* Because he was a dualist he saw the body as sinful and the soul as good.
* However, Agustin did recognize God’s commandment to be fruitful and multiply (Genesis), this links to the **Natural Law** approach that sex is to reproduce. Therefore marriage is good because it is ordained by God.
* St Augustine stated that the purpose of marriage is to procreate, marriage is a sacrament, and is a method of providing fidelity between husband and wife. So marriage is about faithfulness and commitment and not really about sex.
* **Aquinas** adapted Augustine’s Natural Law philosophy. Aquinas put less emphasis on sin and more emphasis on the procreative purposes of sex and that marriage provided the best environment for children.
* Aquinas’ dependency on Natural Law led him to argue that marriage should be a life long commitment. He argued that wife needs a man to control her has men have a more developed faculty of reason.

**The Catholic Church today**

* Marriage is a **sacrament** which forms a new ontological (state of being), this makes marriage an **unbreakable bond**.
* Since Vatican 2, The Catholic Church has stressed the marriage is for love and not just procreation. It is asserted that sexual intercourse is the deepest expression of love between a man and a woman. This is also known as the **unitive approach.**
* The family is considered as an extension of the Church.
* **However,** the modern Catholic Church still believes that humans live in the *fallen world.* This means that no relationship is based on pure love and because of our sinful existence we are prone to jealousy and conflicts which can lead to separations. However, a Catholic marriage ceremony involves Jesus’ presence and blessing which allows marriage to be dominated by love, thus divorce is not needed. Jesus Said “What God has joined together let no man put asunder” (Matthew).
* One of Aquinas’ purposes is to live in an ordered society and divorce disrupts the order of society.
* According to the Catholic Church if a couple marry in a Catholic Church and divorce via state divorce and then remarry in a registry office, this is adultery.
* There are no grounds for divorce in the Catholic Church, however separation and annulment is permitted in certain cases.
* An annulment means that the marriage never happened and it can be given for a variety of reasons (see p83-84 in the Wilcockson handout)
* In the cases where an annulment is not given (annulments are not easy to obtain) a couple may separate, but they are still bound by their vow of fidelity so remarriage and dating would be adultery.

**Evaluating Annulments**

* Some argue that annulments are just the Catholic Church’s way of avoiding using the term divorce.
* Some modern Catholics argue that the system of annulments does not show an interest in the human and emotional aspects of a marital breakdown.
* An annulment means that the marriage was never valid in the first place; this puts huge difficulties on couples who have had many years of a good marriage before marital breakdown occurs. If they are successful in obtaining an annulment then this means that there marriage never happened, which denies these existence of the successful and happy years that the couple had together. If annulment is not give the couples are forced to remain together.
* Many Catholics approve the annulment system as it sets boundaries as what is necessary for a successful marriage
* This means that the Catholic view on marriage is **absolute** because marriage becomes a matter of duty and rules. The Catholic Church sets out guidelines on what constitutes a worthy marriage, whereas a more subjective approach would allow the couple to decide what constitutes a worthwhile marriage.

**Marriage and Divorce – The Protestant Church**

* Martin Luther’s Protestant reformation was a rejection of Catholic doctrine.
* By 1522 he had established certain grounds for divorce, offering a more human and liberal side to Christians sexual ethics.
* Luther also said that priests did not need to be celibate. This was a very radical attitude as it placed marriage on an equal level with celibacy.
* Marriage is not exclusive to Christianity, it is a part of human nature for couples to want to be close and live together, marriage is simply the term given to the procedure which gives legal status to this.
* There is no religious obligation to marry and the Church does not have special control of marriage as marriages are valid with or without Church approval.
* The only part of a marriage that makes it Christian is the priests blessing. However this blessing itself does not invoke God’s grace. It is the couple’s faith as expressed through their vows that receive God’s grace.
* Divorce is permitted in cases of impotence, refusal to have sex or live with the person and adultery.
* Luther’s Biblical starting point was in the Gospel of Matthew Jesus permits divorce on the grounds of adultery. Luther argue that by committing adultery the marital bond is broken.
* Helmut Thielicke argues that the fact that marriages can and do fall apart shows that it was not really God who joined them together in the first place.
* The Protestant Church recognizes divorces authorized by the state.
* Regarding remarriage, the Protestant tradition is essentially **subjective and relative.** This is because it believes that re-marriage should be decided by looking at the individual case and reasons that led to divorce. However, if one partner who was the victim in the marriage they should not be prevented from re-marrying. This is a fierce contrast with the Catholic view that remarriage is the same as adultery.

**The Anglican Church today.**

* In 1991 The Bishops in the Church of England produced a report called *Issues in Human Sexuality* acknowledged that for many people today the idea that sex can only be experienced within marriage is unrealistic and that there are many types of committed and loving relationships which are similar to that of marriage. However, Christian marriage is still the most stable way for people to enjoy life long commitment.
* Marriage makes us more Christ like in dealing with the world around us and the aim of all marriage should be a lifelong commitment.
* Regarding remarriage and divorce, this is left up to the individual priest to decide by looking at the pastoral needs of the couple.
* Christianity is based on forgiveness; therefore remarriage keeps within the spirit of forgiveness.

**Contraception** – Artificial means of preventing pregnancy **–** Condemns, the pill, the coil, diaphragm, injection, implant

The Catholic Church does not permit contraception. This is because all sexual acts should be open to procreation. Contraception is artificial and prevents a married couple from fulfilling their purpose to procreate. The Catholic Church does allow natural avoidance of pregnancy such as the rhythm method.

* The Catholic Church’s position on contraception was set out in the Pope’s 1968 letter *Humane Vitae.* This document stated

*“God has wisely disposed natural laws and rhythms of fecundity which, or themselves, cause a separation in the succession of births. Nonetheless the Church, calling men back to the observance of the norms of natural law… teaches that each and every marriage act must remain open to the transmission of life”*

* Hence all contraception is wrong as it goes against Natural Law

**Weaknesses of the Catholic Natural Law position**

* It is unrealistic to think that a married couple will want the possibility of a child every time they have sex.
* The use of contraception shows a responsible and moral attitude to sex and the Catholic Church does not acknowledge this
* It does not recognize the important role that condoms play in the avoidance of sexually transmitted diseases.
* Many Catholics use their conscience and still use contraception, hence the unrealistic nature of the Catholic Churches sexual ethics is forcing Catholics to break the Church’s rules.
* Catholic psychologist Jack Dominion argues that four purposes of sex are love, procreation, pleasure and relief of tension. Dominion argues that love is the most important

**The Protestant and Other Churches**

* For along time all Christians shared the Catholic view on contraception. However now the Church of England allows the use contraception as it differentiates between the unitive purpose of sex and the procreative purpose. The unitive purpose is given first place, this means that the first purpose of sex is to bring a couple together in a loving way and thus procreation is the second purpose.
* Contraception is also permitted as families need to be able to financially provide for their children. The ban on contraception will increase poverty and decrease the quality of life. Couples are asked to use their conscience to guide them in matters of family planning.
* In Genesis God calls humans to take care of his creation. This could be taken to mean that we should not use the earths resources in abundance, hence very large families would radically decrees the resources available for families in generations to come.

**Linking ethical theories to marriage, divorce and contraception**

**Utilitarianism**

* Utilitarian ethics would lead to a libertarian view of sex.
* **The Greatest good for the greatest number**- It could be argued that marriage ensures that children are brought up in a stable environment with two parents. Regarding contraception it may be argued that contraception prevents diseases and unwanted pregnancies. Contraception also allows the individual to exercise their autonomy when it comes to reproduction and it also avoids families becoming to large. All of these purposes of contraception can be seen to contribute the happiness of society as a whole as people are free to choose when they start a family and how large their family should be. However when it comes to promiscuity it could be argued that utilitarianism would be against this as it could increase unwanted pregnancies and sexually transmitted diseases which would not benefit the majority.
* **Teleologica**l- as a teleological theory utilitarianism would not be concerned on prescribing certain duties of marriage. Instead marriage should be focused on making the couple happy and the outcomes of the marriage would be more important that certain duties with in the marriage. On the topic of divorce, utilitarianism would argue that it would be necessary to evaluate the outcomes of divorce in each situation before rushing into something that could affect the lives of many people. For example, it may be argued on utilitarian grounds that a couple with young children should not get divorced because of the unhappiness, emotional and psychological disruption it may cause the children. However, a utilitarisn would weigh up the outcomes of a couple staying together with the outcomes of them getting divorced.
* **Relative –** as a relative theory utilitarianism would argue against the idea that marriage and sex should just be for procreation, as each couple should be left to decide whether or not they want children. It would argue that sexual ethics is not about absolute rules; this is because utilitarian ethics is not based on the notion of a law giving god or absolutist views. In Utilitarianism, laws come from people and are based on reason. Therefore, regarding divorce, utilitarianism would not argue that a man and woman have a divine obligation to stay together, instead they would argue that each situation be looked at on its own merits.
* **Mill –** Favored intellectual pleasures of a physical pleasure. It could be argued that Mill would regard marriage as a loving relationship where intellectual compatibility and understand was as important as sex. As a libertarian Mill would probably advocate contraception as this would allow couples to have smaller families that they could cope with, hence devoting more time to intellectual pursuits.
* **The Hedonic Calculus -** Bentham’s Hedonic Calculus can be used to evaluate whether marriage, divorce and contraception are the right things to do.
* Many would argue that utilitarianism is not a useful approach to sexual ethics as it is too relative. Sexual ethics needs clearer boundaries for societies to follow; otherwise any sexual act could be justified. However, others would argue that utilitarian is the best approach to sexual ethics as it gives people freedom and autonomy.

**Situation Ethics**

* Joseph Fletcher would probably argue that marriage is important as his version of Situation Ethics is based on the notion of Christian love. Therefore, he would probably argue that marriage is the best place for a couple to express their love for each other.
* He was trying to find a balance between legalism (absolute rules) and antinomianism (no rules at all) therefore, on the topic of marriage and sex he probably would not advocate casual sex as this would symbolize unruliness.
* Fletcher’s relative and teleological philosophy of doing the most loving would probably lead him to argue that……..
* Divorce should not be prevented if the couple are very unhappy, it would be unchristian to force suffering onto people. However, if a couple has small children then it must be considered whether a divorce would be the most loving thing for them. In some cases parents divorcing would be better for the children as this would at least ensure that they were not brought up in an environment here parents fought with each other. Fletcher’s situation ethics would condone divorce in these circumstances
* Re-marriage should be allowed if it is the most loving thing to do. For example it would be unfair to prevent a woman who had been abused by a previous husband from every re marrying.
* On the topic of contraception Fletcher would argue that if a family are poor, or if a person has AIDS or an STD then surely preventing them form using contraception would NOT be the most loving thing to do, as this would only cause more suffering.

**Kant**

* **Duty –** we are doing our duty when we act on the basis of well thought out and conscious moral choice and not because you will benefit from it. This could be used on the issue of divorce. Kant might argue that a couple who got married and have children have a duty to do the moral thing which would be to stay together out of duty to their children rather than get divorced because it would benefit the couple concerned. However, it is unclear what Kant actually meant by duty.
* **The Categorical Imperative –** This argued that we should make moral decisions based on what we ‘ought’ to do independent of the results they achieve. Kant wanted to instigate a moral code that was absolute and could be applied to all situations. This would lead us to conclude that he would not have a relative approach to sexual ethics. This means that sexual issues would not be up to the individual to decide, but everyone would have to conduct their sexual relationships in accordance with a universal moral code. This moral code consists of duty and the good will.
* **Means to an end –** Kant would probably advocate the importance of marriage as marriage would prevent people just using each other for sex. This is because marriage forces people to take responsibilities for each others well being. On the topic of contraception Kant’s ethical theory can be used in two ways. Firstly he might be against contraception as it could encourage people to be promiscuous and thus treat each other as a means to an end. However, on the other hand, contraception would prevent women form being used as means to having children.
* **Universlizability –** Before one makes the decisions to have casual sex, use contraception and get divorced Kant would argue that we should only act on a maxim that we would be happy for other people to act on. For example if you had sex with some one who you did not like very much and had no intention of talking to again, you would have accept the maxim that “anyone who is feeling sexual aroused can have sex with someone that they do not like and are never going to speak to again”. Most people although willing to do this themselves, would not be willing for this to become a universal maxim because this would mean that they could be on the receiving end. Thus, the concept of universalizability is not telling us exactly which sexual acts are right or wrong, but it does force us to realize that we are not just individual in society; we live in a community where often our actions affect each other.
* **However,** Kant also believes that we are free and autonomous moral agents and he wants everyone to have the freedom to choose. Yet at the same time he is trying to enforce absolute moral principles, so what he seems to want is that everyone uses their autonomy to choose his moral theory. This could cause problems for sexual ethics as people will be torn between following their conscience which might be relative to their particular situation and the need for the to universalize their actions.

**Virtue ethics**

* Aristotle focused on being rather than doing. Therefore sexual ethics would be about developing characteristics that allows us to be good people and make the right decisions rather than following an actual sexual moral code.
* **Golden Mean** – The process by which we discover the virtues. Aristotle had a list of vices and virtues. It could be argued that promiscuity would fall into the vice of shamelessness, whereas modestly would be the virtue. From this point it could be argued that the marriage offers the best framework in which to be sexually virtuous.
* **Eudaimonia –** Is the concept that everyone want to live a happy life and living in an ordered society is the best way of achieving this. Therefore it could be argued that according to virtue ethics marriage and sex are key elements of eudaimonia. Marriage would be highly valued as it is a way to ensure a certain amount of order in society and marriage would also ensure that people are sexually fulfilled within safe boundaries.

Many of the philosophical arguments we looked at on the issue of homosexuality can also be applied to marriage, divorce and contraception.