

**"Fidelity to the Marriage Bed,"
An Inquiry into the Foundations of Sexual Ethics**

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Abstract

The paper begins with an examination of David Hume's analysis sexual ethics in his *An Enquiry Concerning the Principles of Morals*. His view is that we use moral language to express approval or disapproval with an underlying assumption that what is good is generally what is productive of happiness and well being in the community. From there, the paper explores the philosophical foundations of human sexual ethics, including Jared Diamond's *Why Sex is Fun*, and ends with a discussion of current issues in human sexual ethics.

1. Outline

2. Humean Chastity: (The utility of heterosexual bonds)
3. Humean Sexual Ethics:(= Emotivism + Utilitarianism + Patriarchy)
4. The Evolution of Sexual Ethics: (Jared Diamond on concealed ovulation)
5. The Naturalistic Fallacy:(G.E. Moore's critique of naturalistic ethics)
6. Sexual Conservatism and Sexual Libertarianism
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2. Humean Chastity

I begin with a passage from David Hume's *An Enquiry Concerning the Principles of Morals* (1751): (All book references are on fair use, except as noted.)

"The long and helpless infancy of man requires the combination of parents for the subsistence of their young; and that combination requires the virtue of chastity or fidelity to the marriage bed. Without such utility...such a virtue would never have been thought of."

There are seven concepts at play here:

1. Childhood frailty (CF),
2. The requirement of heterosexual bonds (HB),
3. Co-parental duties to children (PD),
4. The legitimacy of sexual ethics (SE),
5. Empirical bifurcation (EB),
6. Sexual ethics is a matter of conceptual analysis (SE-1), and
7. Sexual ethics is a matter of empirical contingency (SE-2).

I am assuming that Hume is using the extramarital sex taboo as an example representing sexual ethics in general. Childhood frailty is a biological fact about human beings. Empirical bifurcation is an underlying assumption here, and is an important tenet of Hume's philosophy, that being that all judgments are either what he calls "relations of ideas" (conceptual analysis) or "relations of facts" (empirical contingency).

The argument then goes as follows:

1. CF
2. CF > PD
2. PD > HB
3. HB > SE
4. SE (as a subconclusion)
5. SE > (SE-1 or SE-2) (empirical bifurcation)
6. SE-1 or SE-2 (from 4. and 5.)
7. CF > ~SE-1 (to be explained)
8. ~SE-1 (from 1. and 7.)
9. SE-2 (from 6. and 8.)

What Hume is saying here, first, is that childhood frailty is a contingent biological fact that, with the assumption of the value of

the continuance of human civilization, implies co-parental duties (*i.e.*, both parents care for the child), the basis for co-parental duties are the sexual bonds between mother and father, and these bonds are secured by an ethic of sexual exclusivity. Second, there is an underlying assumption of empirical bifurcation. Since the legitimacy of sexual ethics is, in part, based on the contingent biological fact of childhood frailty, then sexual ethics must be of the second category—matters of fact. Being, at least in part, a matter of fact, sexual ethics as we know it cannot be purely a matter of deduction based on self-evident principles (conceptual analysis), and, therefore, “such a virtue would never have been thought of” (*i.e.*, the ethic of sexual exclusivity in marriage would have never occurred to us, and so would never have been thought of as a virtue, if it weren’t for the biological fact of human frailty.)

Another way of looking at it is to consider the reverse course of reasoning. If we were a species that did not have childhood frailty—if human children were well-prepared for life without the long and continued care and protection of their parents—then the heterosexual bonds fostered by sexual exclusivity would not be needed. And thus, the taboo of extramarital sex will have lost its legitimacy.

The crucial point here is that sexual ethics cannot be understood or justified independent of the biological facts and/or even the circumstances of human existence. That is, to understand human sexual ethics, we must first understand who we are and what are the principles that govern human society.

3. Humean Sexual Ethics

It is not surprising that there is a lack of consensus amongst scholars as to the correct interpretation of Hume’s ethics. I recommend Nicholas Capaldi’s “Some Misconceptions about Hume’s Moral Theory” (in the journal *Ethics*, April 1966, pages 208-211) as a good starting point to enter this debate. My intent here is not so much to discover what were the actual sexual ethics of Hume, a topic he wrote little about, but instead I wish to investigate a view about the foundations of sexual ethics that follows from one interpretation of his thought, namely mine. So, I make it clear that what I will be calling “Humean sexual ethics” is a position based on the implications of a theory like Hume’s, rather than what his actual views might have been.

Humean sexual ethics has elements of emotivism, utilitarianism, and patriarchy. If someone says, “Masturbation is ethically unacceptable,” then this is analyzed as being an expression of disapprobation (like emotivism) towards masturbatory acts based on the belief that such acts undermine the patriarchal social order which is believed to be essential to the continuance and welfare of human civilization (utilitarianism). Using Hume’s example, to state that marital fidelity is a virtue is to be expressing approbation for marital fidelity, on the assumption that marital fidelity is essential to patriarchy which is, in turn, assumed to be necessary for the continuance and welfare of human civilization.

A bit later, I’ll be looking at Sexual Conservatism, the view that only heteroerotic sex between two people married to each other is ethically acceptable. Humean sexual ethics best explains Sexual Conservatism. I’ll be arguing this, even though the vast majority of people who are committed to Sexual Conservatism, or views similar to it, are very likely unaware that this is so.

4. The Evolution of Sexual Ethics

Concealed ovulation is an unawareness of ovulation on the part of the female, coupled with a lack of communication to the male as to the timing of the ovulatory cycle. This is another peculiar biological fact about the human species that is especially relevant to sexual ethics. Human sexual behavior is not governed by the ovulatory cycle, or, at least, not nearly to the extent that it is in most other mammals. This explains why humans clearly have an interest in sex and a need for sex that goes far beyond the requirements of reproduction. As you shall see, there is a connection between childhood frailty and concealed ovulation in our species.

In a chapter titled “Wrong Time for Love...,” Jared Diamond explains human sexual behavior and the phenomenon of concealed ovulation through a reconstruction of our evolutionary past. He writes:

“Since we humans are exceptional in our concealed ovulations, unceasing receptivity, and recreational sex, it can only be so because we evolved to be that way...”

and this “inefficiency” in our species is related the fact that

“the helpless condition of human infants makes lots of parental care necessary for many years.” (*Why Sex is Fun*, Basic Books, 1997, pages 67-68)

Diamond’s argument is a bit complicated, but goes something like this: Concealed ovulation evolved in our ancient non-human progenitors initially as a means to counteract infanticide, and with our moving from a polygamous (or promiscuous) social order to monogamy, the function of concealed ovulation changed to a “keep daddy home” strategy. (page 86) All of which is to say that the more modern function of concealed ovulation is to create the bonds necessary for co-parenting by means of the couple having lots of sex, and thus, the connection between concealed ovulation and childhood frailty.

Apart from the evolutionary disadvantages of having lots of sex---it takes time from food gathering, it seemingly wastes a lot of energy, an embracing couple is susceptible to predators, etc...—Diamond notes there are advantages, too. Besides the fact that sex can be quite pleasurable, a continual interest in sex fosters a bond between the male and female, and so, the female gains a co-parent. If the relation is sexually exclusive, the male also gains what anthropologists call “parental certainty,” the knowledge that the children he is supporting are biologically related to him. A promiscuous social order leads to males committing infanticide when they have won control over a particular female (as in many feline species), as there is an evolutionary advantage to only caring for his own progeny. Diamond speculates that concealed ovulation created an ambiguity between sexual commerce and fertilization, and so counteracted infanticide in a promiscuous species and then, later, fostered co-parenting in a monogamous species. (pages 86-87)

If all this is true, then Hume hit the nail on the head. Our sexual behavior and our sexual ethics are directly related to the contingent biological facts of our existence. Thus, sexual ethics must be, to a great degree, a “matter of fact,” and thus, is something that is variable, depending on changes in human nature and changes in human society.

5. The Naturalistic Fallacy

I now turn to what might be a damaging objection to the course taken by my argument so far. In Chapters I and II of *Principia Ethica* (1903), G.E. Moore argues that there is an abstract concept, “the Good,” that is a non-natural property, and to define “the Good” as being identical to any natural property that exists in the temporal world is to commit the “naturalistic fallacy.” The proof of this is that for any supposed naturalistic definition of what is ultimately intrinsically valuable, there is always some sense in asking, “Is that naturalistic property good?,” something he calls the “Open Question Argument.” He is mostly concerned with - are hedonistic theories of intrinsic value where pleasure is identified as the ultimate intrinsic good.

In Chapter II, Moore discusses ethical theories of the category he calls “Evolutionistic.” The idea here is that natural evolution only explains the course of events for natural beings, such as ourselves. It is another question as to whether or not this course of events is a good thing. This is relevant because I am claiming that much of human sexual ethics is connected to the evolution of the species. Jared Diamond is explaining human sexual behavior. I’m going beyond that to make normative claims about a code of conduct. I’ll be arguing that the legitimacy of human sexual ethics is, in great part, dependent on the natural facts of our existence.

Yes, I do sense a significance to questions like, “Are the facts of childhood frailty, concealed ovulation, and the desire for parental certainty good things?” My defense is to admit that I have assumed the ultimate intrinsic value of the continuance of human civilization. The value of the continuance of society is not a necessary, self-evident truth. There are two ways it can be doubted. First, one might place a higher value on the environmental integrity of the planet, and then argue that the continuance of human civilization threatens this integrity, a hypothesis of some merit (and a possible inference from principles of the Land Ethic in Aldo Leopold’s *Sand County Almanac* (1948), although not a conclusion he himself avowed). Second, one might value the present over the future in a radical way, claiming that the happiness of the moment should never be compromised by reference to a future good, something Jeremy Bentham called “propinquity.” Going back to Hume’s example, this would be making the claim that the long-term welfare of children (and hence, all of society) is incommensurate with the value of the immediate satisfaction gained from violating the extramarital sex taboo because a pleasure today is inordinately more valuable than a pleasure tomorrow.

Thus, there are two ways we can go.

The first is to follow Moore and look for answers to questions about sexual ethics through insight into our internal and abstract concept of “the Good.” The problem is that I’m not so sure that my idea of “the Good” is the same as your idea of “the Good,” and if we differ, I don’t see any way for resolution. For the life of me, I can make no sense of asking myself, “Is the extramarital sex taboo good?” thinking that the application of some abstract concept within myself will yield an answer, or even the barest insight. Can you?

The second is to run with what seems to be assumed by Hume and suggested by Diamond: The continuance and prosperity of human civilization is assumed to be an intrinsic good. The facts of childhood frailty, concealed ovulation, and the desire for parental certainty are relevant to the justification of sexual ethics, and that a sexual code of conduct is a connection between the biological facts and the main assumption. I’ll follow this latter course.

6. Sexual Conservatism and Sexual Libertarianism

Of all the philosophical theories about sexual ethics worth considering, the range of views would be Sexual Conservatism and Sexual Libertarianism at both ends of a spectrum, with everything else falling in somewhere between these two extremes.

6.1 Sexual Conservatism

The ethics of Sexual Conservatism is that heteroerotic sex between two people married to each other is condoned, and pretty much everything else is taboo. Sexual Conservatism, as I am defining it, might allow limited pre-marital heteroerotic hand-holding and kissing, but certainly would disallow all forms of autoerotic (self-masturbation) and homoerotic sex.

It is no coincidence that where you find the ethics of Sexual Conservatism, you will find a social order I will be calling “Patriarchy.” By Patriarchy, I will be using a broader definition that extends beyond the way that most people use the term. Roughly, I am speaking of a social order based on (usually) monogamous heterosexual marriage with an ethic of sexual exclusivity (a taboo on premarital and extramarital sex) within the marriage that has the purpose of insuring parental certainty for males. By Patriarchy, I don’t mean a system of institutionalized male privilege, although that is often a result of it. Equal status and co-parenting for both the male and female within heterosexual marriage can still be patriarchal, as I am defining it. Patriarchy usually has the male as the nominal, but not necessarily actual, head-of-household, and the children usually take the name of the male’s family. What’s crucial is establishing parental certainty, which is used to create a bond between a male and his biological children, which, in turn, is a motivation for his accepting responsibility for the protection, care, and education of the children. The ethics of Sexual Conservatism is the glue that holds all this together. It seems that Sexual Conservatism (at least, as an ideal) is the most common sexual ethics throughout the world today and throughout human history. Historically, it is the sexual ethics of European, North American, and Australian societies (both natives and immigrants), although it is losing favor there, and it is the sexual ethics of Latin American societies, and the vast majority of Asian and African societies, both historically, and in the present, with few exceptions.

As a means of establishing a patriarchal social order, Sexual Conservatism exploits the libido of young adults, with a special emphasis on the male. With its taboo on all means of sexual gratification prior to and outside of heterosexual marriage, Sexual Conservatism purposefully creates sexual frustration in young males when they are at the peak of their sexual energy by denying them sexual access to females, and by enforcing a taboo on autoerotic sex through guilt. Sexual access to a female is the “carrot” and guilt and other social pressures is the “stick” that gets their attention and motivates them towards behaviors believed to be socially productive and suitable for their eventual role as nominal head-of-household in a patriarchal society.

The role of the female libido differs in Patriarchy. It tends to be unrecognized, and, at worst, is seen as a threat. I suppose there is also an element of purposeful frustration similar to that of young males, but there seems to be an emphasis on the sexual potency of the male as opposed to the sexual attractiveness of the female in Patriarchy. (Check out *The Female Eunuch*.) This is explained, in part, by the male proclivity towards anti-social behavior. Because the innate aggression of young males can lead to violent and anti-social behavior, more emphasis is placed on correcting these tendencies than those of the female. Sexual access to the female is seen to be more of a “reward” for the male than *vice-versa*. No doubt, this is also explained by the elevated importance of the male that is part of most patriarchal societies. Also, the female libido is more of a threat than

that of the male, since extramarital sex on her part results in children that are not biologically related to the male within the family unit, while extramarital sex on his part results in children not biologically related to her outside the family unit. Extramarital sex on her part is more of a threat to the immediate family, however extramarital sex on his part is equally a threat to society. This explains much of what is called the “double standard” between the two sexes.

Patriarchy also exploits the male ego. With an artificial system identifying him with his biological progeny insured by the ethics of sexual exclusivity, as opposed to the natural identification by the female, he recognizes the children as being his children. Valued characteristics of the children—beauty, intelligence, not being a juvenile delinquent, *etc.*—are seen to be relevant to his own self-image and status within the society. Hence, he is motivated to cultivate these characteristics in his children, and hence, an interest in his children is created by the system, all of which produces benefits for society that would not exist otherwise. Childhood frailty creates a need for co-parenting, which requires bonds between the biological parents, which is fostered by lots of sex made possible by concealed ovulation and male interest in the child based on parental certainty insured by a commitment to sexual ethics. Just as Hume observed, without these background conditions, the notion of sexual ethics would be nonsense.

A question: “Do you think the male libido and male ego are powerful forces?” If your answer is “Yes,” then what is happening in our world is that human society is being constructed, ordered, and sustained by the harnessing of these powerful forces. Contrary to the picture that human society is a social contract, an assumed agreement that is made on the basis of expected reciprocal benefits, something like a business deal, I see traditional human societies as being a living dynamic, gaining life by harnessing powerful biological and psychological forces to its own ends.

6.2 Sexual Libertarianism

At the other end of the spectrum is Sexual Libertarianism. It is based on Libertarianism, an ethical theory that grants rights of non-interference to individuals as long as their actions are based on freedom of choice and don’t harm others directly and significantly, unless consent to be harmed is given. Actions are not seen so much as being right and wrong here as being permissible (proper English for “okay”) and impermissible. A permissible act includes rights of non-interference, which does entail it is wrong for you or the government to interfere, given these conditions are met. Sexual Libertarianism, then, is the sexual ethic that allows for about anything as long as it is between “consenting adults.”

The history of Libertarianism goes back to John Stuart Mill’s *On Liberty* (1859). A chapter in it, titled “Of Individuality,” contains the most profound few pages of all of nineteenth century philosophy, in my opinion. Mill recognizes a crucial quality of our species—we are, essentially, individuals who are free to create our own identity, not simply members of “the herd,” as is more true of other animals. Mill’s Libertarianism is conditional in the sense that freedoms granted by it must not be inconsistent with the general welfare of society. More modern versions of the theory are absolute, these freedoms are granted independent of their relation to the welfare of society.

The beauty of Libertarianism, and hence, Sexual Libertarianism, is its recognition of the uniqueness of the human individual, its support of the freedom of the individual, and its protection of the privacy of the individual. Sexual Libertarianism goes something like this: “a person’s sex life is very much a part that person’s personal life, and should not be seen as being constrained by rules believed to be necessary for the good of society.” If sexual behavior is purely a personal matter between consenting adults then sexual ethics should be limited to the prohibition of harming or involving others who do not wish to be party to the act. The problem is, assuming my reconstruction of the role of sexual ethics in the patriarchal social order, sexual behavior is not simply a part of one’s own personal life, it goes right to the heart of constructing and sustaining the social order. Therefore, nothing could be more wrong than to believe that sexual behavior is purely a matter of one’s own private life.

7. Controversial Issues in Sexual Ethics

7.1. Autoerotic Sex

What is less well understood than self-masturbation? On one level, it is nothing more than taking pleasure in the manipulation of the one’s own body, and what could be wrong with that? At another level, it is thought to be perverse, even to the point of being a symptom of depravity and mental illness. It has been called “self-abuse,” suggesting that it is in the same category as

compulsively pulling your own hair out or self-scarification.

My analysis of how masturbation has become taboo within Sexual Conservatism begins with the fact that it is seen as providing sexual gratification outside of the bounds of heteroerotic sex between two people married to each other. Since Patriarchy uses sexual frustration as a motivation for conformity to its own sexual code, autoerotic sex is seen as being dangerous because any relief gained through it is believed to undermine that motivation. If I am right that Sexual Conservatism is the unconscious application of a Humean model of sexual ethics, then when sexual conservatives say “Nice boys and girls don’t masturbate,” this is best understood as expressing disapprobation towards masturbation based on the belief that it undermines Patriarchy, which is believed to be essential to the welfare of society. This seems so obvious and the typical reasons given by sexual conservatives against it seem so absurd, I suspect there is a bit of a conspiracy here. To say that masturbation is dirty or nasty seems to be nothing more than a way of creating guilt as a deterrence, since there is nothing about it that compares to what we ordinarily would believe to be dirty and nasty. Occasional masturbation has no ill physical effects, it, if anything, it should be thought of as a hygienic means of achieving sexual gratification—“safe sex.” It is only nasty in the sense that it is often accompanied by a fantasy of finding sexual gratification outside the bounds of legitimacy, as defined by Sexual Conservatism. But this objection is grounded in the circularity of positing the assumptions of Sexual Conservatism. The notion that ejaculation caused by male self-masturbation is “spilling seed” (*i.e.*, wasting genetic material) is based on a confusion of the gamete and an embryo, and a lack of attention to the fact that a huge surplus of this genetic material exists. (The typical adult male produces about 10,000 gametes with every heart beat.) I think what is going on here is that these absurdities are created because of a reluctance to admit that Patriarchy is an exploitation of sexual frustration, which would make it seem less than perfect.

Besides that, the belief that self-masturbation undermines heteroerotic desires is simply false. I’m thinking that any relief of sexual frustration for the typical heterosexual male masturbator is fleeting, and I have no doubt that the desire for sexual access to females remains as strong as ever. After all, the pretense of male self-masturbation is heteroerotic sex! (Sorry, but I am lacking the experiential evidence to gather similar insights into female autoerotic sex, but I assume the same principles apply.) Hence, the masturbation taboo is flawed conceptually, and it is based on a mistaken causal assumption. The only bit of sense here is that disapprobation towards it is a way of indirectly condoning the legitimacy of heteroerotic sex confined within marriage.

Sexual Libertarianism makes a similar mistake in the opposite direction. It is permissive regarding all forms and all degrees of self-masturbation. Self-masturbation is the ultimate form of sex between two consenting adults as you are having sex with yourself! Who was it that said, “It is having sex with someone whom I love very much?” The problem here is that sexual libertarians have no way of distinguishing between relatively healthy forms of self-masturbation and excessive, compulsive, and anti-social forms of the behavior. I think we know that there is something wrong with being so consumed with your pornography collection, or so consumed by the egregious depiction of human sexuality that is so pervasive on the internet, that you are deterred from fostering real human relationships. The biological basis of the libido is to bring us together by creating an interest in others, and it seems a bit perverse when it results in the conception of human beings as simply being inanimate objects that exist for one’s own sexual gratification, and when it causes someone to be less interested in the pleasure, growth, and self-discovery that can be found in the intimate relationship with another human being.

Therefore, I find both Sexual Conservatism and Sexual Libertarianism to be confused and implausible in their implications about human autoerotic behaviors. Sexual Conservatism is too restrictive and generally based on confusion and misinformation. Sexual Libertarianism is better, but a little too permissive. The correct view here---medically, psychologically, socially, and ethically—is that occasional, autoerotic behavior is acceptable when done with discretion, and that excessive autoerotic behavior is undesirable. This seems to be true for all adults, married or unmarried, heterosexual or homosexual, and seems also to be the case, too, for pre-adults. Yet, we don’t seem to be all that comfortable with the conclusion. Sometimes in class, when discussing sexual ethics, I’ll ask all the masturbators to raise their hands. I get very few responses. This seems odd because I know that confidential surveys indicate that nearly half of females are regular masturbators outdone by the males at a rate approaching 90%! A statistical anomaly? I think not. It’s a residue of the guilt that lives in our sexually conservative past.

7.2. Homoerotic Sex

Similar to autoerotic sex, many commonly-held beliefs about homoerotic sex are also erroneous The socially conservative

taboo on homoerotic sex goes beyond confusion and ignorance to the level of hatred and cruelty. The “logic” behind the taboo is similar to that of autoerotic sex. Homoerotic sex is contrary to the sexual norms defined by Sexual Conservatism, so it needs to be disgraced. I begin with an assumption that is shared by most members of the medical community—a healthy sex life is an important part of the overall health and well-being of the patient. Sex can be (and usually is) good for you! It also seems abundantly true that there are many people who will not or cannot find sexual fulfillment within the narrow confines of marital hetererotic sex. Therefore, the taboo on homoerotic sex needs reexamination.

Again, like autoerotic sex, the dangers of homoerotic sex are hugely exaggerated. It seems that many people believe that without the taboo, traditional marriage will disappear, most everyone will choose homosexuality, and society will go to hell. What a lot of nonsense. My guess is that being a little more accepting of homoerotic sex will have absolutely no ill effects on the heterosexual majority. We don’t need to demean homoerotic sex to uphold traditional family values. It is true that if 99% of people became homosexuals, then serious problems would arise, while the reverse is not so true. Most homosexuals were conceived and nurtured by institutionalized heterosexuality, while the reverse is a very unlikely scenario. The point is that cruelty and hatred towards homosexuals is both ineffective in its suppression and unnecessary because the perceived social benefits of its suppression are unreal. A more perfect society is one that allows as much freedom and happiness as possible, while maintaining a set of values conducive to its own welfare. I’m a little old-fashioned, you might suppose, because I believe we should not be too quick to dismiss valuable social institutions because we find they are flawed. The stereotypes, expectations, and norms of traditional society are good when they give ordinary people a direction for their lives and template for their own self-identities. The existentialist idea that we all need to recreate the meaning of human life from scratch is a recipe for confusion and anarchy. The trick is to be able to encourage people to fit in, to maintain a degree of conformity, while still upholding the integrity of those people who choose a different, but socially productive, course. It’s a false dilemma to believe that we have to choose between having social norms and being decent human beings.

If you believe that people with homosexual inclinations are still worthwhile human beings (and I do), and if you hold that a healthy sex life is needed by healthy persons (again, I do), then you must embrace homoerotic sex for people with such inclinations. (Sorry, the argument obviously and, perhaps, mistakenly assumes the reader is heterosexual, but it is valid from all standpoints.) The idea of “hating the sin, but not the sinner” is completely invalid, if the “sin” is an essential fact about the “sinner,” as is the case for one’s sexual inclinations.

Therefore, there is absolutely no validity to the socially conservative taboo on homoerotic sex. (I am excluding extramarital homoerotic sex, to be addressed later.) The notion that sexual ethics can be supported by reference to religious dogma or interpretation of sacred texts alone is also confusion. What came first, the chicken or the egg? (Translated here to be, “What came first, the religious dogma or the presence of the ethos within the society that is served by the religion.”) More often than not, it is the latter. A religion is the institutionalization of the values already present in the culture, not the other way around. It comes from the bottom up, and very rarely from the top down. For something as everyday as sexual ethics, this is especially true. So, rather than refer to religious dogma directly, I’ve examined the underlying social conditions of which the religion sprang, which is Patriarchy as I have defined it.

In this case, I find Sexual Libertarianism to be essentially correct. There is no corresponding deterrence from pursuing meaningful and usual human relationships through what one might think to be an “excessive” homoerotic behavior pattern. There is also little danger to society posed by a minority that finds sexual gratification and human fulfillment in this behavior, and we may expect that this will continue to be the case. The huge upside is the misery caused by the hateful persecution of homosexuals can be averted, and by being a part of mainstream society, we all may expect to share in the benefits of their full participation in the society. It is simply very stupid, very hateful, and quite inhumane to shut the door and exclude this very talented minority from its complete participation in all of our social institutions. For myself, I’m not so worried about anti-social, unproductive, and disruptive persons, whatever their sexual inclinations (aside from the rapists, pedophiles, *etc.*,...) The point is that there are lots of good people with homosexual inclinations and there is simply no good reason—medically, psychologically, socially, or ethically---to justify their persecution by and exclusion from society.

7.3. Heteroerotic Sex

Because it serves both recreational and reproductive functions within the species, heteroerotic sex is an especially complicated matter. And because, historically, the institutions of marriage and family have been so closely linked to it, the

ethics of heteroerotic sex has very significant social implications. Like autoerotic and homoerotic sex, there is also widespread confusion and ignorance about it.

There are several fallacious positions about heteroerotic sex, the first of which is the belief that its function is primarily reproductive. The biological facts of concealed ovulation and the continual interest and receptivity for heteroerotic sex are a clear indication that human sexuality serves a broader purpose than mere reproduction. Of course, I don't mean to say that the reproductive function is not important. It is crucial to the survival of the species, something I value unconditionally. The sex life of a typical heterosexual would involve, I suppose, several hundred to a few thousand autoerotic episodes to orgasm, both before and after marriage, a good possibility of a some homoerotic activity, although usually limited to hand-holding, kissing, and the like, a few thousand marital heteroerotic episodes, and, possibly, a few extramarital heteroerotic or homoerotic episodes, also to orgasm. Of these, it would be very unusual that more than a half a dozen of these events would be reproductive. Thus, the notion that human sexuality is to be explained by its reproductive function, or even by the remote possibility of reproduction occurring as a result of it, is simply based on an ignorance of human sexuality. Therefore, human sexuality is explained by its reproductive function and something else, what is misleadingly termed it "recreational" function. The reason this is a bit misleading is that it suggests that the reproductive function is primary and crucial, while the recreational function is secondary and optional, something like icing on the cake, but nothing could be farther from the truth. For humans, sex is a necessary part of their lives, not quite as crucial as eating, drinking, and sleeping, but it is closer to these needs than the need for recreation and leisure. A patient having a great sex life is a happier and healthier patient, on the whole, than one who is lacking it. Sex, and lots of it, is simply second nature to our species. It's not that I am trying to dissuade those of us who choose sexual abstinence. It's a free country and I honor that choice. But to degrade heteroerotic sex and to attempt to deprive people of it is a sin against God (who, apparently, made us this way) and humanity. Of course, I'm not saying all types of heteroerotic episodes are justified, but I am saying that every human being has a right to a reasonable amount of sexual gratification, or, at least, some rights against the interference of others in attaining it. Remember, mine is a sexual ethics which, in part, is based on the biological facts of our species. Its not that I believe you ought to do whatever you feel like doing, but neither do I believe that a sexual ethics ought to exist in contradiction to or in ignorance of what we feel like doing.

The taboo on extramarital heteroerotic and homoerotic sex based on Sexual Conservatism is, for the most part, justifiable. There are the broken hearts caused by these activities, there are the children who are often conceived and brought into less than desirable circumstances by extramarital heteroerotic sex, and there are the sexually transmitted diseases that can easily be brought back into the marriage relationship, all of which seem pretty bad. Sexual Conservatism is valid here because, this time, the beliefs of the harmful effects of the behavior are well-grounded. Besides that, I hold the peculiarly old-fashioned position that most of us can find sufficient, and, often, wildly stupendous, sexual gratification in a lifetime of heteroerotic monogamy. Given that this will have a positive and stabilizing influence on society, it is a valid social norm, although it is never a justification for the debasement of people who choose not to follow it, as long as they remain valuable members of the community.

So, in this case, Sexual Conservatism and Sexual Libertarianism are in agreement. For the latter, we may conclude that marriage vows imply sexual monogamy unless it is very clearly and explicitly agreed upon by both parties. Isn't it obvious that there is something wrong with saying, "Oh, honey, sure, I had sex with the volleyball team, are you saying that was a violation of our marriage contract?" That is, since the vows are a speech act that implies consent to monogamy, the freedom to violate the vows has been voluntarily given up, and so, this restriction of your freedom is justified.

The most difficult question of our time, as I see it, is the legitimacy of premarital heteroerotic sex. In terms of actual behavior in North American, European, and Australian societies, we have moved, in the last forty years, from its being rare to its being the predominant choice of young adults. Something in the order of three-fourths of all the young unmarried heterosexual adults in these societies are regularly engaging in heteroerotic sex these days, and I'm sure the trend will not be reversed. Pretty much, given the nature of our species, if measures aren't taken to prevent it, if people have the freedom, then people will be having sex, which only illustrates how basic it is to us. There is a wide variety of good and bad effects here. The obvious good effect is the joy that these young people are taking in their sexual experimentation. Unfortunately, most all of the other effects are bad, unless maybe you're in the latex contraceptive devices business. Unwanted pregnancies (more than three million a year in the U.S.A.), sexually transmitted diseases (most of which are either dangerous, deadly, or damaging to reproductive function), and the oft-neglected emotional pain of the affair gone awry probably offset the value of this joy, but, then, who makes utilitarian calculations when it comes to love? Although I am not advocating returning to full-blown Sexual Conservatism (*n.b.*, watch how you use "blown" in this context), I do take seriously the loss of incentive to enter into what is often socially productive

monogamy based on marriage, and there is also the phenomenon of “postponed adolescence” of males that is often a result of premarital heteroerotic sex. That is, while the sexual frustration upon which Patriarchy is based is not a good thing, the effects of restricting sexual access to females does certainly provide a means of focus for young males in terms of the development of a sense of maturity that is believed necessary for their future role as nominal head-of-household. I do believe, apart from the broken hearts and unwanted pregnancies, that premarital sex is more harmful to young males than it is to young women, who seem to more easily make the transition from adolescence to adulthood.

So, this is one of those rare moments when a philosopher admits that there is a problem for which he has no solution. The options for heterosexual young adults are pretty much limited to:

1. Early marriage in late teens or early twenties, following abstinence,
2. Abstaining from sex until marriage in late twenties,
3. Abstaining from heteroerotic sex, but enjoying autoerotic sex,
4. Enjoying lots of casual heteroerotic sex, or
5. Serial monogamy.

Although the first option most closely describes my personal life, the idea of early marriage seems quite absurd to most young people today, especially to those from the “upper and middle class.” They are floored when I tell them the story of my waiting out in the car with the kids while my just-turned-21-year-old wife goes into the store to “score” me a six-pack of beer. Of course, that was before “the pill” and before condoms hung conveniently in supermarket aisles. People used to get married for sex, but no longer, at least not here. So, I guess, teenage marriage is off the table.

Although the second alternative is given a lot of lip service, even I can’t recommend it as a viable option for most young adults. I wouldn’t say exactly that I was a sex maniac in my younger days, but I still have faint memories of a libido gone wild and the idea of delaying sexual gratification to my late twenties would have seemed absurd to me then, so I really can’t recommend it to others now. If that is your choice and you can live with it, more power to you, but to expect it as a social norm in a world as free as ours seems just a little bit wacky.

People of importance and standing have recommended the third option, but they must have been either oblivious to or ignorant of the basics of human sexuality. Self-masturbation might be satisfying for the moment, but, for most people, it is what you do as a last resort when all other possibilities have been exhausted. It isn’t just that people need the pleasant sensations of sex, which can easily be provided by masturbation. There is also a need for the intimacy of having a sexual relationship with another person, and no amount of masturbation can make up for not having that.

So, we are down to options four and five. I see problems with each. Casual sex probably fosters the attitude that sex is just about personal gratification, an attitude that might be counterproductive to one’s eventually developing a mature, adult relationship. Casual sex reinforces sexual contact without bonds, which probably undermines the traditional bonding function of sex, which would seem to be make a long-term relationships in the future more difficult. On the other hand, I find serial monogamy disingenuous. To an old fart like me, it seems to be only pretending to be married---pretending to be loving and committed to another when your are not---and pretense always leads to pain in the context of human relationships. So there we are. It insolvable problem, since none of the options seems to be both viable and desirable.

8.The Future of Sexual Ethics

8.1 The Persistence of “Family Values”

In the times following the sexual revolution of the 1960's, it seemed that a new social order would emerge to replace the patriarchal system of the past. Although traditional sexual ethics have be called into doubt, which is a good thing, the notion of a family structure based on childhood frailty, concealed ovulation, and parental certainty remains the social norm. I suspect it

will remain the paradigm, for no more reason than no viable substitute for it exists. I do applaud the freedom we now have, especially the freedom of women not to be subjected to what so often was the prison of being under the control of an overbearing and abusive husband. Rather than its dissolution, Patriarchy has evolved to be a more just institution. Two heterosexuals can now enter into marriage as equal partners with a more equitable distribution of duties than was so in the past. The idea that women's liberation is to be achieved by a revolution against Patriarchy is confused, because the alternatives to it are either unrealistic, or, in the end, less liberating for women.

Our options seem quite limited:

1. We could return to intolerant, autocratic Patriarchy, or
2. Patriarchy could evolve to be more tolerant, open, and just, or
3. We could adopt anarchy ("free love"), or
4. We could replace Patriarchy with Matriarchy, or
5. Socialism could replace the male function within Patriarchy, or
6. We could stop having children.

While there are many who advocate the first option, a return to the "good ole' days," I find its implications intolerable and so do most young people today, both men and women. I assume the future of sexual ethics is such that any new direction will have to appeal to young people, since they are the generation that will choose to adopt it or not.

The sixth option, while being the choice of many people, is obviously absurd as a candidate for a social norm, unless maybe we expect other cultures or subcultures to bear the children of the next generations, but that is equally absurd.

I suppose that if someone held a more idealistic view of human nature than I do, anarchy would be an option. The sexual freedom that it implies seems appealing---people would have sex when and with whom they choose, and let the chips fall where they may. Maybe we have so much love within us that everyone will take a deep interest in the welfare of all the children, instead of the more narrow focus of Patriarchy. But, I doubt it. I spent several years in the community of Home, Washington, site of Home Mutual Association, the most famous experiment in anarchy ever. During its heyday in the early part of the twentieth century, it was quite successful. The name of the town's newspaper was "Discontent: Mother of Revolution," as I recall. They had a cooperative market, and it and their "Liberty" school worked well. But like all other social experiments, like the hippie communes of the 1960's, it slowly came back to something similar to traditional Patriarchy. It seems to be some law of human civilization that we can't escape the traditional family structure as the basis of social organization.

There certainly is a growing tendency towards single mothers being both nominal and real head-of-household these days. It's not really Matriarchy as understood by an anthropologist, or maybe it is a form of Matriarchy. Whatever you call it, what is going on here certainly is not conducive to the liberation of women. Oh, sure, the occasional well-to-do single woman (Madonna?) cares for her children without the help of the father, and seems to be doing well. Although, behind the scenes, you will find lots of help from members of the lower classes. I'm sure it can be a good thing, but for the most part heterosexual women who are deprived of the financial and moral support of her children's father(s) are not what you would call "liberated," but he is!

We live in a time where the currency of socialistic solutions is pretty much limited to academia. As far as socialistic solutions to problems of single mothers, there are two ways we go. The first way is to have the state assume the traditional role of the parents, a solution that has had very ugly effects when its made its way to the real world, *ie*, communistic Romania. A more palatable solution is to improve state-sponsored subsidies for single parents, over 90% of whom are women. The current level of support puts her at the level of being just over the poverty line---a level of support that usually entails a pretty miserable existence. It has been proposed that we raise the support and social standing of single parents (like Iceland does today). Being "on welfare" is a demeaning description of these people. Besides paying my taxes, and giving moral support to single parents I

meet (most of whom would be my students), I also will give them extensions on their assignments, allow them to be absent without penalty when they need to care for their kids, in ways that I wouldn't be so liberal to students who are not caring for children. Some people resent this. Am I wrong? The problem with the socialistic solution is that raising the support level for needy single parents will, no doubt, be encouragement for more people to become single parents. That will, in turn, be discouraging people from undertaking the responsibilities (especially males) that have traditionally been assigned by the patriarchal social order, which I don't believe is a good thing for anyone—not the mother, not the father, not the kids, nor the rest of us. Still, keeping the level of support low as an incentive for not having children or staying with a no-good husband or lover doesn't seem right, either. Hence, neither of the socialistic solutions seem to be viable.

So, we come back to Patriarchy. It's like what people say about democracy, "It's a flawed system, but what's the alternative?" By "a more tolerant, open, and just Patriarchy," I mean that Patriarchy remains the social norm, but with lots of options for those who choose not to live it themselves, and that the social standing of those who don't follow it is in no way compromised by that choice, as long as they remain good citizens. By choosing to follow patriarchal values, especially regarding the care of the children, credit is due to those who choose to live it. If you choose another course, then you have a duty to make an equal contribution to society in your own way—it's not a free pass. People who argue, for example, "Why should I have to pay taxes for schools, they're not my kids" are clueless. (I'll get into the topic of homosexuals who care for children a bit later.)

Now, maybe my position is unrealistic. Is it true that the idea of a social norm implies a sanction against those who don't follow it? I don't think it is true, especially if we are aware of where the norm comes from, which is another way of expressing the thesis of this work. That you don't live exactly according to the patriarchal scheme of things isn't necessarily a bad thing nor is it necessarily a good thing. It all depends on who you are and how you live. Lying, cheating patriarchal scumbags are still scumbags. The patriarchal system exists for no other reason that it is believed to be an incentive to socially productive behaviors. If your way of life produces equal benefits to yourself and society, I have no argument for what have been your choices. If you do wish to escape patriarchy, I expect you to make up for the benefits we expected to occur in some other way. Is that asking for too much? What I am saying is the persecution and abasement of people who in the past have chosen not to follow patriarchal norms was based on the mistaken idea that patriarchal values exist *a priori*, that they were written in stone, that they are unchanging, all of which I have disproved. When we realize that patriarchal values are no more than a scheme that is an attempt to create a little order in society so that we may prosper, the punitive force of it disappears. If a more tolerant, open, and just Patriarchy is not possible, then disregard all I have said to this point and put sexual ethics back in the closet where it belongs.

8.2 Homosexual Marriage

I'm not using the phrase "Gay Marriage," because I thought only homosexual males were Gays and the topic here is marriage for male and female homosexuals, but who knows? Whatever your views might have been on this highly controversial issue, throw them out the window because the rules have changed. With the new reproductive technologies using surrogate mothers, artificial insemination, and *in vitro* fertilization, taken with the looming prospect of reproductive cloning, the notion that the reproductive function of our species is limited to heteroerotic sex no longer holds true. Since it is now possible for homosexual couples to conceive children, we are left with the options of denying them access to these technologies, which is not going to happen, or dropping any barriers to their union being recognized as a legitimate family in the fullest sense. Arguments against homosexual marriage often begin with this assumption: The meaning of 'marriage' is 'the union of a man and a woman.' Since the "meaning of marriage" has always been tied to the fact that only heteroerotic sex can result in conception, and since that assumption is no longer true, and because there is no good reason why these children should be deprived of being a part of a legitimate family, we must recognize homosexual unions as being legitimate families, hence homosexual marriage. Like the fact that heterosexuals who choose marriage may choose not to have children, the same rights should also go to homosexual couples who choose not to have children. So, apart from the "equal rights" arguments that have been given by others in support of homosexual marriage, I offer a different (and better?) strategy, based on an appeal to the rights of the children.

8.3 Premarital Sex

Although I have argued that none of the alternative positions on premarital sex are realistic and viable, there is one more option worth considering, and this option would apply equally to young adult homosexuals and young adult heterosexuals. It's not

really a new idea, but I'm unsure of its source. There could be an intermediate stage between being unmarried and being married. Calling it a "trial marriage" would be misleading, since it really should not be thought of as implying any commitment to eventually marry. I'll call it "pseudomarrriage" leaving it up to you to come up with a more romantic title for it. I'm just brainstorming here, but the idea is to create a new sexual ethic that better fits the needs of our time. It might go like this:

1. Both parties must be at least 18 years old.
2. Sex (meaning penile/vaginal, penile/anal, oral/clitoral, and oral/penile) prior to or outside pseudomarrriage (and marriage) is taboo.
3. Pseudomarrriage commits both parties to monogamy for one year.
4. Pseudomarrriage can be dissolved, but then each party is excluded from another pseudomarrriage until one year past the original vows.
5. Adequate measures must be taken to avoid conception during pseudomarrriage, and if conception accidentally occurs then it must be dealt with according the pseudomarrriage agreement, it being a written statement agreed upon before entering the union. Ideally, the options should be limited to abortion and adoption.
6. People living together and having sex within pseudomarrriage will be considered as being legal, ethical, and legitimate.
7. Pseudomarrriage can be renewed for another year, but both parties must consent that either party choosing not to renew is not to be construed as being a betrayal of any kind. Couples agree to separate for at least one month before renewing.
8. No verbal promises or stated intentions other than those explicitly stated in the pseudomarrriage agreement have any bearing beyond the one year commitment.
9. *Etc, etc...*

I'll leave it to you to work out the details, but it seems there are several advantages to all this. First, the notion of sexual abstinence for minors becomes more realistic. If we have an ethic of abstinence before marriage, and if the marriage age is postponed to the late twenties, then the notion of abstinence becomes absurd, and they know it. So, if the ethic is unrealistic, then why bother to adhere to it in the first place? Second, pseudomarrriage provides a socially responsible sexual outlet for young adults. Unwanted pregnancies, STD's, and the emotional harms should plummet, since unreasonable rules are worse than no rules, and if people are given reasonable limits, they will tend to follow them. Pseudomarrriage redefines much of what was premarital sex. Problems of how premarital sexual relationships affect marriage should dissipate, since premarital sex is no longer the pretense of marriage, but is a socially-sanctioned precursor to it.

9. Postscript

Well, that was fun. I hope that what I have said has been enlightening, edifying, and entertaining. Perhaps, it will lead to our talking more about sexual ethics and our finding equitable solutions to sexual ethics issues in the future. Let me apologize. I hope that I have offended no one. I am just a philosopher who has followed an argument from its assumptions to its logical end the best I can. I am painfully aware of the many shortcomings and oversights of this essay. It is nothing more than a sketch of a theory, although, near as I can tell, I have set out a plausible position. I'll leave it to others to explain what I have said right and to fix what I have said wrong. I've tried to say as much as I could as economically as possible, and so, no doubt, have committed the offense of not always giving credit where credit is due. My motivation is based more on a duty to the reader than to a duty to the profession, and has resulted in my saying what I felt like saying in a way that I believe will be entertaining and insightful. Take it for what it is.